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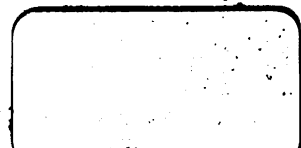
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ANTI-DIXON

OR

FACTS VERSUS FICTIONS.



BASIL,
FERDINAND RIEHM, PUBLISHER, CANNON STREET 32.
1869.

110. m. 525.

COMPENDIUM

FOR

UNIVERSAL AND ECCLESIASTICAL HISTORY

OF THE BOOK ENTITLED :

ELUCIDATION OF THE FACTS

RELATING TO THE

RELIGIOUS LAWSUIT OF KÖNIGSBERG IN PRUSSIA,

from 1835 to 1842,

DERIVED FROM THE DEEDS

BY

Count Ernest von Kanitz,

Member of the Royal Court of tribunals (out of service).



BASIL,

FERDINAND RIEHM, PUBLISHER, CANNON STREET 32.

1869.

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NOTICE.

In his book entitled „*Spiritual Wives*“ the author William Hepworth Dixon has served up to the public of England, unacquainted with the truth regarding this matter, the fictions and inventions which have been circulated more than thirty years ago on occasion of the religious lawsuit of Königsberg, and which have been long ago refuted and destroyed both at law and in literature. Similar attempts to blacken brightness and to drag loftiness into dust are neither new nor of any intrinsic value; but they may be the means of prepossessing heedless minds against christianity, and for this reason it is a duty to refute them by publishing the truth. This has induced the author of these pages to issue, in the languages of the countries where Dixon's book is read, a translation of a Compendium published in the year 1864, of his own extensive work on the subject of the religious lawsuit of Königsberg. In so doing, he hopes to meet in

those countries, as he did in Germany, with numerous friends of truth who will effectually and spontaneously assist him, every one in his own sphere of influence and activity, in the task of destroying the immoral delusion of the public, by supporting the authentic truth and making known the real facts relating to this affair, the more so as England especially is well known to do more than any other country in support of evangelical christianity.

It would be useless to engage into a minute examination of William Hepworth Dixon's „*Spiritual Wives*“, since the author condemns himself by his inconsistencies and confusion, his praises and invectives, his credulity and falsehoods. The foundation however on which rest the assertions alluded to, deserves a special mention, because it shows to the reader what he is entitled to expect from the statements of this foreigner with respect to the religious lawsuit of Königsberg. These statements are based on the insinuations of the notorious physician Dr. L. W. Sachs, whose antagonism against truth and propriety is sufficiently known, and has been exposed in the „*Compendium*“, p. 31 sq., and more at length in the „*Elucidation*“, p. 54 sq., 246 sq., and 301 sq.

Dixon's preface shows the means which he employed in order to make this bait palatable to the English public. He says in it: „The most remarkable document of professor Sachs, which . . . I give in the original, has been sealed by order of the highest court of justice at Berlin. . . . How this document came into my hands, I am not

allowed to say; it is genuine and complete, for this I pledge my word; should either the one or the other be contested by any competent authority or individual, I would in that case solicit and obtain permission openly to tell how it has been brought to the knowledge of the public."

The only intelligible meaning of this mysterious sentence, which implies much and says little, is that the highest court of justice at Berlin (being in fact no other than the secret supreme court, which however has never had anything to do with the religious lawsuit of Königsberg), to whom the secrecy of this „most remarkable document“ has been so important that it caused it to be kept under seal during thirty years, has consented, upon Dixon's authority or application, and according to his statement, to remove it from concealment in order to set it at his disposal, at the same time obliging him to remain silent on this point, lest this transaction should untimely come to light.

Uninstructed readers may be led to believe that such is really the case; for how could the author „pledge his word“ that his pretended „original“ is „genuine and complete“, if he has not been enabled to convince himself of its textual conformity with the original contained in the deeds, which is the only authentic one? — How important must his book appear in the eyes of readers of this description!

But those who know something of the circumstances, know that this can not be. If it is true, as the preface

asserts, that the writing alluded to has been sealed by order of the highest court of justice, it is clear that, unless it has been stolen, the genuine original can only have been unsealed by order of the same authority who ordered the seal to be put. But no reasonable man will believe that a Prussian authority, especially the supreme court, should have compromised itself so far as to order the seal to be broken with a view to enabling a foreigner, destitute of any legal claim to the said document, publicly to defile, on account of sectarianism and other absurd accusations, persons who have been long ago acquitted of the same by the competent court of justice.

The pledged word of an author who begins in that way, and whose book contains notorious falsehoods, affording, under these circumstances, no security for the truth, the authenticity of this pretended „original“ must obviously be „contested“, and it can only be supposed that a private enemy who did not choose to enter the lists with open visor, has slipped into Dixon's hands the said composition, upon which no judge has ever founded his verdict, as he pretends, and still less has found therein a „principal proof“, and upon which nobody who has his head and heart in the right place will ever found his judgment.

But even if Mr. Dixon should be able to prove that he has come into possession of the authentic original in the official way alluded to, his conduct would not be justified in the eyes of those who are able to judge of it morally and intellectually. He has had the impudence

to present to his readers the malignant absurdities of a Sachs, bidding defiance to all consistency and psychology, and has not very flatteringly expected from them that they would accept the same as a „psychological contribution“, even as sound currency, and believe these infernal whims rather than the facts derived from the legal deeds; whereas in his book he himself depicts Sachs with the blackest colours as to morality and psychology, and represents him as a cynical, unprincipled and even diabolical man.

The less value is to be attributed to the original contained in the deeds (which is only a desperate attempt of its author [Sachs] by the base and wicked flatteries of a sycophant, to divert the attention of the judge from the destruction of his own moral existence, which ensued upon his own writings, and which has been described by Dixon himself) — the greater is the responsibility of him who has not shunned to bring into publicity this libel, or an unwarranted duplicate or fac-simile of it, without any valid or even excusable motive, after more than thirty years, to infest the present generation with insipid imputations against christianity and those who make a sincere profession of it, and to render suspicious, even after their death, most respectable people, who have never done him any harm.

In both cases therefore has Mr. Dixon undeceived his readers concerning his anticipated authenticity.

Mr. Dixon did not shrink from the cost and trouble to fetch the materials for his caricatures here with us at

Königsberg, whilst the authentic truth derived from the deeds would have been easily accessible to him in the books already alluded to, and in other writings also. But he did not choose to avail himself of them.

The „*Elucidation*“, which contains in textual and lengthy quotations from the deeds, the proofs in support of all the facts related in the „*Compendium*“, having hitherto been printed only in the German language, and being therefore not accessible to those who do not understand it, we have given at the end of the present reproduction of the latter publication, a selection of passages extracted from public prints, with a view to conveying to foreign readers an idea of the impression produced by the aforesaid books upon the principal organs of science in Germany.

And so the old truth that, where men intended to do evil, God has turned it into good, as He has promised to do in His word, has been again confirmed in the present instance. The provocation of a foreigner has been to the author a welcome occasion to make known also to the neighbouring countries, how true christianity has stood the test of a religious persecution effected in Prussia in the nineteenth century.

Preface of the „Elucidation“.

The author of this book, whose outward and inward life is closely entwined with the subject which has given rise to the lawsuit exposed in the following pages, has been, from the beginning of the official transactions relating to it, called upon to contribute to discover the truth. The authority engaged in the business at that time having refused his evidence, he offered in a direct memorial of 18th October 1835 presented to H. M. king Frederick William III., to expose to the competent authority his close knowledge of the accused persons and of the accusers, as well as the motives of the charges set up by the latter, in order to prevent rash measures, which were to be apprehended from the wellknown unfavourable disposition of some of the upper civil officers of the time.

The result was an ordinance of 7th November 1835, enjoining the court of inquiry: „to invite Count von Kanitz, member of the council of tribunals, to communicate the information“ — or as it stands in another quotation of the royal edict, „the explanations which, according to his statement, will elucidate the true state of things, concerning the present inquest, and throw light on the individual character of the persons involved in it.“ Moreover on the 27th of the same month, the minister of justice imposed on the court intrusted with the inquest, the duty of obeying promptly and carefully this superior command.

But the author was permitted only for a short time to comply with the royal invitation. Already on the 21st of March 1836 he was refused to take cognizance of the records of the accusations and of the provisions enacted in consequence of the same, the knowledge of which was indispensable to him for the elucidation of the state of things, and which had been granted to him since the 1st of February of the same year.

Having been unable to overcome the intermediate agencies which had brought about this result (and which will be mentioned more particularly hereafter), and his representations addressed from time to time to the competent authorities, in order to prevent illegal measures, having remained fruitless, he was deprived of the possibility of contributing any more to establish the truth in this affair beyond the judicial evidence delivered by him.

At that time *effective* or matter of fact explanations were required. Now they have become superfluous, since

the definitive sentence of this lawsuit carried on up to the end of 1841 *has rejected all the criminal charges*, condemning only *a private opinion* concerning philosophical theology and the alleged *propagation* of it.

But the more necessary has become now an elucidation founded on the deeds, in order to show by what influences it has been made possible that, in the nineteenth century, *judicial* authorities have not only given a verdict on *religious* and *philosophical opinions*, but even treated as a *crime*, and punished with dismissal from spiritual office, a communication of the same in private conversation.

This task was imposed upon the author by his position respecting this affair, as well as by the communication of the legal documents which he enjoyed at first in virtue of the royal edict, and subsequently through the medium of the defender. But he could not possibly fulfil it whilst the accumulated duties of his official employment required all his time and activity. Only in the beginning of the year 1846, when he was obliged by his delicate health, weakened by many years' exertions, to resign his office in the service of the State, he was afforded the necessary leisure and also, owing to a residence in a milder climate, sufficient recovery to elaborate and set together from his former memoranda, the authentic account which could give the desired elucidation.

Hereby fulfilling to the memory of the Sovereign, whose sense of justice ordered him to „shed light on the affair“, the object of that royal mandate, by exposing the authentic truth, the author, at the same time, feels per-

sonally gratified in demonstrating that the Prussian law, humane in its tendency and to the upholding of which he has dedicated forty years of his life, is not accountable for the results equally contrary to law and reason which have been brought about in this instance, but that on the contrary the fault lies with *disregard* and *transgression* of the law, if repeatedly in the course of this affair right has been perverted, liberty of conscience violated, and sacred things have been exposed to contempt.

*

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*

Before the publication of this book it has pleased God to call away from his rural place of retirement selected in the year 1850 at Hoheneck near Ludwigsburg in the kingdom of Württemberg, and to receive into His celestial home, the man who had been tried in the fire of the religious persecution related in these pages. The event of universal importance, set forth in its proper light by the following authentic testimony, and which had the deceased for its object, is a lasting memorial of the spiritual victory gained by that faithful defender of biblical truth and divine justice.



FIRST PART.

Preceding events.

CHAPTER I.

HISTORICAL RETROSPECT.

The action brought against Revd. Dr. Ebel, minister of the old town church, and Revd. Diestel¹, minister of the Haberberg church at Königsberg in Prussia, was directed chiefly against the christian activity of the former, for which object it was attempted to render suspicious as sectarian the christian faith and conduct of Ebel and his friends, who were conforming themselves to the principles of the Bible. Subsequently the alleged propagation of the philosophical and theological persuasion, which both aforesaid clergymen had made their own, and which was pretended to be in disaccord with the doctrines of the Church, was made also an object of judicial inquest and treated as a separate charge.

The deeds contain the following historical account of the individual who has been the chief object of the attacks.

¹ Who departed this life on the 20th July 1854.

Born at Passenheim in Eastprussia on the 4th of march 1784, and his father (who was minister there) having been removed to Königsberg in the year 1795, *John Ebel* attended the old town college of the last named city. In the year 1801 he entered the University, and in 1804 he was appointed as a teacher (collaborator) of the aforesaid college. In the following year already he accepted the tutorship at the University, of the sons of the Count of Dohna-Schlodien, which had been intrusted to him, and in the autumn of 1806 he received from that nobleman an appointment as clergyman on the landed estate of Hermisdorf belonging to him; but after having repeatedly refused, he only decided at last to accept it, when the congregation of the said village, before whom he had preached, earnestly entreated the lord of the manor not to choose any other than Ebel as their pastor.

With regard to the philosophical foundation of his christian persuasion, Ebel explains himself to the following purport in a memoir delivered on record: „I was eighteen years of age, when a friend of our family once said in my presence that he knew a man (John Henry Schönherr) who had succeeded in bringing the declarations of the Bible and the whole contents of it, *textually* and convincingly *in accordance with proofs founded upon reason*, and to defend them victoriously against scoffers. This message, like a ray from heaven, illuminated my heart with unspeakable delight, and an unutterable joy took possession of my whole being. All the questions of my inward mind appeared to me solved, all darkness dispelled, and I felt at that moment a presentiment of the accomplishment of my innermost desire. Having grown up from childhood in holy veneration of the Bibleword, the doubts and contradictions against it, which at that time came very loudly to my ears, from teachers and fellow-students, could not but make me very uneasy at heart, and deeply afflict me with anxious perplexity, when in trying to stand my ground and

to set up in opposition against them, I had often, after a fruitless struggle, crept with bitter tears into the corner of a garret, to accuse myself before God, because I had not been able to save the word of divine predication from detraction, nor to sustain its declarations against the criticisms of subtle reasoners."

"In the midst of this inward struggle between dread and fond aspirations, I was struck by that beam of light — the announcement of our friend that the revelations of reason and those of Scripture stood in unison, and that there existed upon earth a man, who had found it possible to combine them. I knew not yet that it is a general want of the human mind to find the conformity which exists between them, and that I lived in a period which had made shipwreck in the faith because this want had been disregarded, or because it had been thought impossible to satisfy it, and that I was going towards another period which was to wring for the satisfaction of that want, and was destined to attain it; to me that want was innate and its satisfaction the brightest prospect which could be opened to me."

Although the relation between the philosophy, „which according to Schönherr's assertions was founded on the Bible and the spirit of Scripture was not at once obvious to Ebel“, and he, on the contrary, „endeavoured for years to attack and to oppose it with all the arms afforded to him by study and a difficulty of belief, produced by degrees in his mind by the contest of the systems of philosophy among each other, he was nevertheless obliged „at last to perceive and to confess with joyful wonder, that certainly there could exist a knowledge which united in perfect harmony with the divine revelation of holy writ."

Schönherr's opinion had been attacked by the spiritual authority already in the year 1809, but Schönherr himself had been protected at that time by a royal edict. Notwithstanding

this, the authority continued its aggression against those who agreed with Schönherr's opinion. Although two members of the spiritual authority (Revd. Wedekind, upper preacher of the court, and Revd. Borowsky, afterwards archbishop) could not refrain from agreeing with this opinion, they were not able to carry the acceptance of Schönherr's motion, purporting that it should be submitted to a scientific examination, because the most influential member, counsellor of the Consistory Wald, who was an enemy to strict bible credence, and therefore also to Schönherr and Ebel, contrived to prevent it.

Under this influence the spiritual authority, as far back as the year 1809, addressed Ebel at Hermsdorf, putting him the question: „Whether the intelligence, that he was among Schönherr's adherents, was founded, and in that case, how he thought to be able to accord the opinions of Schönherr with the doctrine of the evangelical lutheran church?“ — Had the object of the authority been really to ascertain whether the opinions admitted by an evangelical preacher standing under its dominion, were in accordance with the evangelical lutheran church, it could not be blamed for such a question, provided the consequences attached to it were not of too wide a range. But the above mentioned refusal of Schönherr's proposal of a scientific examination of his „opinions“ showed, that such was not the object of the authority, and this appears still more clearly from its further mode of proceeding in this matter.

Therefore this first step directed against Schönherr's biblical investigation, glided already out of the track of spiritual control into that of violence done to conscience, since it involved nothing else but an encroachment upon the liberty of thinking and teaching of an evangelical clergyman; moreover being combined with an inquiry into Ebel's character and official activity addressed to the respective Superintendent, it betrayed a suspicion, which nothing could justify. This

inquiry however gave occasion to the most flattering testimonial, for Superintendant Jedosch's answer (dated 28th April 1810), though distinctly showing how little he agreed with Ebel's philosophical opinions, contained amongst other things the assurance, that Ebel „possessed true zeal for the good cause, and that, being besides scrupulous in every thing, he was particularly so in not teaching anything but what an evangelical lutheran clergyman was in duty bound to teach.“

Ebel himself declared — in protesting against this encroachment — that he was a friend and not an adherent of Schönherr's, whose philosophical principles he had found conformant to reason and to Scripture, after previous examination, and he offered in addition to demonstrate the conformity with holy writ of any proposition from Schönherr's writings, which should be laid before him — a proposal which the spiritual and scholastic deputation did not accept any more than Schönherr's former motion. It might be thought therefore, that the authority would give up further attacks, the more so as Ebel was promoted in the year 1810 to the office of teacher and preacher of the Frederic-College of Königsberg, which was at that time newly organized as an educational institution.

On this occasion also vexations were not wanting indeed, but Ebel succeeded in overcoming them. Although he had been appointed already in the year 1804 to the old town college, and consequently from that moment had been acknowledged to be qualified for schoolteaching, it was nevertheless required that, on account of his being called upon to teach at the new academy, he should be subjected to a scientific examination, in which his philosophical conviction should at the same time undergo a close investigation. Notice of the examination impending over him was given to Ebel only a very short time before the day appointed for it; — he was therefore (especially as he had in the year 1807 been plundered by the enemy of all his property along with his library) quite unable

to prepare in any way for the examination. Nevertheless, trusting in God's help, he appeared on the 25th of August 1810 before the board of examiners, composed of theologists, professors of the philosophical faculties and pedagogues, and in spite of the inimical dispositions existing among the examiners, and which distinctly showed themselves also in the record of the examination, he came off so brilliantly, that he was admitted with the express acknowledgment of „eminent learning and judgment“ as preacher and teacher of religion, history and of the hebrew language, at the Frederick-College. The record of the proof lessons, given on the 27th of August 1810, contains the following: „Ebel showed learning, skill and discernment; the grown up young men and the boys were treated by him differently, both judiciously. But nowhere he betrayed even the slightest sign of anything mystical or of any opinion deviating from the protestant doctrine.“ In the report of the examination, addressed by the examiners to the spiritual and scholastic deputation on the 1st of september 1810, they statet amongst other things, that „Ebel's eminent qualification is undeniable, and that he has no inclination to anything deserving the name of mystical fanaticism,“ but that „if he entertains peculiar notions on the essence of divinity, they belong to the barren field of idle metaphysics.“

Although this might seem to have cut off every pretext, the spiritual authority nevertheless resumed its attacks after „two years of Ebel's activity at the Frederick-College,“ and „summoned Ebel to explain himself about the said activity and particularly about his present relations to Schönherr.“

For a long while Ebel hesitated to make any reply to this accusation, founded only, according to the words of the disposition, on the assertion of a „credible man“, and therefore containing a vague judgment, hoping (as he said in a private letter of 4th January 1814 to a member of the spiritual authority) that the board would gradually convince itself of

its being in the wrong, and thereby deliver him from the „painful necessity of telling bitter truths to an authority for conscience's sake.“ This expectation however not being fulfilled, and having on the contrary been urged to reply, he broke his silence in a circumstantial letter of 14th June 1814. He exposed therein in a straight-forward and energetic manner the groundlessness and the illegality of the reproaches addressed to him, and concluded with this words: „With God and for his truth we do not fear, even if a whole host were against us; if God is with us, who can be against us!“

The spiritual authority took offence at the bold speech of Ebel's reply, and on the 21st of June 1814 sent the whole record to the preposed ministry at Berlin. In the annexed report they could not but give Ebel the testimony that „he had always shown himself to be a righteous man of unblemished purity of morals.“ They said further: „The distinguished gifts for teaching which he displays in the pulpit and in the school, and by which he seizes and captivates old and young, would without that sectarianism entitle him to be considered as an ornament of the *Collegii Friedericiani*. With the splendid dispositions of his head and heart, it may also be supposed that he would recover the freedom of his mind, if he were removed from Schönherr's influence.“ Notwithstanding this (as appears from the answer of the ministry existing among the documents of the spiritual authority annexed to the judicial records), the same report contained a motion to remove Ebel from his spiritual office, and to transfer him to an employment at a school.

The ministry of ecclesiastical affairs rejected these proposals, and expressed a severe censure on the conduct of the authority. „The spiritual and scholastic deputation (so says this memorable rescript of 28th August 1814) has meddled here with a matter which is very dangerous and requires the most prudent and delicate handling, since it concerns the limi-

tation or even the suppression of the liberty of teaching of a teacher in church and school. The deputation ought to have proceeded in such a manner that, starting from the most precise notions of evangelical liberty of teaching, and principally of its limits, in particular for teachers in church and school, it had previously formed itself, by careful examination, a clear and complete perception of Schönherr's alleged heresies, and then exposed it to the ministry." — „And concerning Schönherr's behaviour, which, according to the opinion of the deputation, ought to brand him as a fanatic and sectarian, everything said about it in Ebel's declaration, seems so positive, so unconstrained and so credible, that the ministry is not able to decide against him, since the report of the deputation contains on that head no refuting statements founded upon an examination.“ Respecting Ebel's relations to Schönherr it is said further: „The personal intercourse and friendship between them does not come into consideration, since no public authority has a right to take to account a subordinate functionary for his company, if it is not obviously contrarious to morality or the laws of the State, or if it does not distract him from the fulfilment of his official duties. The isolated sayings reproached to him (Ebel) by the deputation, are of such a nature, that anybody else than an adherent of Schönherr's might have uttered them. And these sayings themselves, even preceeding from this connexion, cannot tend to blemish him. For his assertions on the value of science in relation to religion, ought to have been exposed in their whole conjunction and even textually, in order to be able to judge them rightly, and whoever discusses the dogma of the devil, either in the church or in the school, does not trespass on the liberty of teaching, since it cannot be proved that it is not founded on the Bible. The spiritual and scholastic deputation having begun with severe accusations against Ebel, without having previously acquired by a thorough and careful examina-

tion any positive charges against him, with the proofs thereof, and having adduced nothing to convince him of, it cannot be wondered at, if he sees in the proceedings against him a contradiction to the declaration of the deputation stating, that it does not intend to limit in the least the evangelical liberty of teaching, and if in his justification he stands up as a party and faces the deputation; and the latter entitled him to do so, by submitting the matter to the ministry without alleging anything further to prove its assertions. It appears from the foregoing that the ministry cannot pronounce on these assertions according to the motion of the spiritual and scholastic deputation. From the report and the documents annexed to it, is to be inferred that Ebel has merited neither a translation nor a suspension from his office as a teacher in church and school. To ordain either over him would be therefore nothing but an inconsequence and an act of violence, and would bring upon the ministry the appearance of a spirit of persecution, against which it thinks to have occasion to warn the spiritual and scholastic deputation."

This act of toleration and protection to evangelical liberty of teaching emanated from *Schleiermacher*, who was at that period reporting counsellor at the ministry of ecclesiastical affairs, and writer of the relations and dispositions concerning scientific disciplines. If the same principles had still prevailed in the year 1835, the lawsuit exposed here would have been avoided.

A termination was now put for a while to *public* persecution; the private philosophical conviction of Ebel had been even, acknowledged as biblical by the highest technical authority of the State, and legitimated by the words: „that it tended to establish the authority of the Bible, and contained not the least danger to morality.“ In consequence of this, Ebel enjoyed twenty one years of outward peace, because his spiritual adversaries did not think advisable under existing

circumstances, openly to disturb his activity. This activity acquired therefore more and more extension and influence. — In the year 1816 Ebel was elected as preacher and pastor by the largest congregation of the city, that of the old town, in spite of manifold resistances attempted surreptitiously.

At the time of Ebel's entrance into the ministry, the religious indifference which had spread over the world in general, since the middle of the preceding century, was predominant among the greatest part of the people and in the pulpits of Königsberg, alike with the rationalist and the orthodox party. Ebel's preaching aroused a new life among the dead masses, afforded by the glowing picture of divine love and mercy to the minds dejected and scared by the hardships of the recent war, a stepping stone to find peace in God, and diverted the patriotic enthusiasm, which was manifesting itself in the struggle for independance, into a grateful acknowledgment of the benefits of Providence. Giving satisfaction as well to the yearnings of the heart as to the cogitations of the mind, he kindled the spark of true devotion in old and young, noble and simple, learned and unlearned, among the studying young generation as well as among the military one, which was either going into the war for liberty or coming home from it; so that hearers belonging to every class and standing, even such as were not usually in the habit of attending divine service, sought and found a spiritual aliment in Ebel's sermons. Many did not content themselves with hearing his words, but wrote them down in order to communicate them to others. It was not a rush as excited by some preacher rising into fashion, it was a concourse of freshly animated minds, who did not shrink from serious reproof of sin and earnest exhortations to conversion.

The pure spirit of christianity thus awakened by Ebel, penetrated into all the relations of life and exerted its influence in them. Thus the conscientious fulfilment of official duty on

the part of a faithful preacher and pastor, kindled at Königsberg a torch which shone far and wide.

Ebel's preaching recalled to life in their proper signification, the old Bible-truths which had been either forgotten, perverted from their meaning, or enfeebled. The deeds of the lawsuit brought against him at a later period, contain a special testimony of this fact, since the author of the theological judgment required as a foundation to demand an inquest, Counsellor of the consistory Kähler, declared in his mode of expressing himself, that „it was exactly the earnestness and zeal with which Ebel brought to influence certain modifications of the notions proper to the system of the Church, which at that time (from 1810 to 1814) were considered as antiquated, that had been made an object of censure against him.“

Among the many testimonials praising Ebel's activity as a pulpit-orator, a pastor and a pedagogue, which are to be found among the deeds and printed papers, is to be mentioned that the wellknown Dinter, member of the schoolboard, though belonging to the opposite theologic tendency, after having, at the incitation of a member of the consistory, for a long time observed Ebel's religious teaching, without his knowledge, declared: „that his religious teaching was conform to the doctrines of the evangelical Church, and in a high degree clear and considerate.“

Diestel certifies in his „Examination of witnesses“ published at Leipzig in 1838: „A characteristic feature of Ebel and of his appearance in public (vid. page 366) is, in spite of his inward glowing zeal for godliness, a modesty, which always avoids to shine and aspires after quiet concealment, as well as after general concord and peaceful smoothing of all relations among men. He is a friend of God and men, and therefore everywhere friendly to anything godly, anything

¹ Second edition. 1868, page III.

good, wherever and in whatever form he meets with it among men"

„According to the sober judgment and impartiality which are peculiar to him, always supposing and drawing forth the good parts of men, he, whose consciousness and whose thoughts are firmly radicated in God, and who invariably has only God's designs in view, is open and accessible to every one without distinction, and the smallest as well as the greatest interests, if they are only worthy of man, find with him sympathy and support. With the multifariousness and cleverness which distinguish his mind, he is able to understand the peculiar situation of every body, and, urged by the love which is in him, to be of comfort to all, to adjust the most diverging opinions, so far as they contain a particle of truth, and to scatter the seed of good in every intellect and every heart capable of receiving it. Ebel's character and tendency are decidedly opposed to every spirit of party and sect, to every prejudice, and he has even prevented sectarianism from finding entrance here in this place, as it has sprung up in other parts in our days. The confidence which he feels towards all men without distinction, only because they are men, necessarily abolishes all exterior differences, so far as they are sundering, secluding ones; worldly minded and believers, rationalists and suprarationalists, and the most multifarious opinions find a connecting link in the impartiality of his person; find in his sober and just mind an acknowledgement, in his love a support, and in his comparative intellect the means of attaining a truly humane standing-place, a truly christian one, „where there is neither Greek nor Jew, circumcision nor uncircumcision, Barbarian, Scythian, bond nor free, but Christ is all, and in all.“

In the beginning of the lawsuit brought in afterwards, Ebel, in his declaration of 28th november 1835, explained the characteristic feature of his activity by the conviction

existing in him „that we ought to grow to self-dependance and free personality in good.“ He says further: „Where this problem is the fundamental motive of the innermost development of life, servility and compression must give way of their own accord; man recognizing the objects of his existence, rejoices in contributing to attain them, and even though success remains behind striving, though stumbling struggles with victory, the righteous man nevertheless holds up his head and looks up with joy, and — pure benevolence shines forth in heaven and on earth.“

„The world must know how to arouse this benevolence in men, to revive in them personal liberty and to excite them to an actively grateful acknowledgment of God's love, by heartfelt affection — this I understood to be my charge to my contemporaries, and I endeavoured to acquit myself of it in my official activity.“

„In upholding the self-dependance of man,“ Ebel, according to the judgment of a technical authority, „clung with undiminished firmness to this principle, that man can do nothing without God, and finally receives everything from God's grace.“ The merit of Christ was to him the only foundation of the salvation of man. Thus rightly dividing the word of truth (as Scripture says) Ebel came into opposition on both sides, as well with those who misuse the doctrine of atonement for sinful purposes, as with those who, by overrating the action of man, have been led astray into the domain of legality and selfrighteous outward works. In this last respect, a peculiarly hard struggle was reserved to him in his connexion with his old friend Schönherr, which deeply moved him for several years, and at last led him to separate from his former associate (vid. „Elucidation“ page 24 to 37.).

Notwithstanding these occurrences, trying to Ebel's feelings, his courage for the work of his office remained unbroken. He toiled restlessly forward by word, example and writings,

and experienced blessed results of his labours. Two sermons which he preached during the Whitsuntide holidays of 1822, and which are contained in the collection entitled „Wisdom from above“, on the „great change which is operated in man by the holy Ghost,“ and on the „real force by which man is renewed,“ made a remarkably profound impression, and, assisted by extraordinary workings of the Spirit from above, exercised a widespread influence. These victories, which remained not concealed, gave the first impulse to that, wherewith the world uses to raise suspicion against every manifestation of revival in religious matters, viz., to the pretense of a sect.

Ebel has given in the course of the lawsuit in question, in the protocoll of 22d June 1836, a „clear description of the beginning“ of what people have attempted to brand as a sect. He says: „I had determined to serve God and to be a righteous teacher. I preached in this spirit and met with men, who discerned the spirit of christianity, and who sought counsel and exhortation at my hands. From this ensued of its own accord, that several persons joined my circle of acquaintances. Every clergyman is in duty bound to take care firstly of his own soul, and equally bound to excite his congregation to take such a care. Those who become earnestly conscious of this care and let themselves be exhorted to it, naturally cling to him who admonishes them, and so in every congregation, where truly righteous ministers are at work, a smaller circle, as it were, a salt of the congregation, must of course form itself, in which really christian life takes a shape, in reciprocal association and according to the dispositions and progress of the individuals. Where this is not the case, the congregation is asleep and the preacher spiritually dead. The spiritual office is not a trade, so that sermons and official acts may be dispatched by the hour, as a spiritual handywork; the preacher must endeavour to bring a spirit of life into the congregation, and, as far as his influence reaches, into the time. Such a

truly christian spirit has been introduced by me, according to my powers, into this town and into this congregation, and in consequence of this exercise of my official duties, some individuals have been led to a more active christian life and to closer friendship with me."

"These are the circumstances of social intercourse in which I stand" . . . "The course and nature of my association with my friends presents the most decided contrast to any kind of sectarianism, and nowhere perhaps has sectarianism been more hated and opposed" . . . "Nothing (so he says in another place) has been shaped or has sprung up into a form among my friends; everything has come out of its own accord from the natural essence of things, from free reciprocal spiritual influence, and therefore I am justified in saying, that God has tied the bonds of this intercourse and that he has guided it. For it lay entirely in the contingencies, in the accidental casualties, which God's hand alone can control, that we encountered each other and that we associated in conversation."

It was the striving after perfection in man, by loving God and one's neighbour, which bound together Ebel and his friends into a more earnest and intimate connexion than uses to exist among other friendships. A multitude of testimonials, even from enemies, certify this, and the theological judgment delivered in 1836 by the consistory of Magdeburg, sets in evidence that: "obviously moral improvement" and "true love of Christ" had been the real motives of that striving. Ebel, to whom it owed its existence, has pointed out the root from which it sprung in his "Refutation" given on record on the 24th of december 1835, with the following words: "From the innermost impulsion of love, of the desire of making men happy, I chose the calling of a clergyman" . . . "Taught by profound experiences in my inward being, I sought God and the mediator between God and men, and to make myself a friend to him and to gain friends to him, appeared to me the

only and dearest purpose which could occur to me in life. My heart burned to accomplish it already in my seventeenth year, when I was a teacher at an elementary school, and when, at twenty two years of age, I entered the ministry, I held this as my most blissful obligation."

The reason why several sharers of the aforesaid experiences swerved again from the way on which they had entered, was that they had estranged themselves from the aforesaid striving after perfection, which Christ exacts from his followers.

A sifting of the spurious from the genuine was effected already in the year 1825, by two sermons in which Ebel showed with irresistible power of convincing, that the real object of christianity was not *the doctrine alone*, but a *life* conformable to it, and that the question is *a real coming* to God, and therefore an action of man in going towards Him. This speech displeased all those who found themselves disagreeably disturbed by it in the easy task of a so called christianity releasing from the fruits of faith. Though the secession did not immediately break forth outwardly, it ensued shortly afterwards, and indeed in the first place among those who, as has been already stated, had drawn nearer to Ebel in the year 1822.

CHAPTER II.

ORIGIN OF THE ACCUSATIONS.

The first outward motive which contributed to bring about an exterior manifestation of the rupture already prepared inwardly, of the friendship in question, was a circular rescript addressed on the 24th of October 1825, by the ministry of ecclesiastical affairs at Berlin, to all the consistories of the country, which, in treating of other matters, warned against

mysticism and puritanism (*pietismus*) and recommended to the spiritual authorities to bear this in mind in making appointments to offices in the church and school. Having received this disposition, which became known at Königsberg in the beginning of the year 1826, Ebel communicated it to Professor Olshausen and student von Tippelskirch, who belonged to the persons who had drawn nearer to him in the year 1822, and invited them „now earnestly to sound themselves, whether they were determined to remain his friends in *that* sense in which they had resolved not only to walk in the same narrow path of righteous christianity, but also to accept and submit to the uncommon hardships of that path, even in open persecution, by personally defending their convictions. He thought it his duty to exhort them seriously to this selfexamination, since he sought not to conceal from them that, under existing circumstances, their outward advancement might easily be endangered by their remaining in connexion with him, as they knew better than anybody, how he had been always persecuted on account of the pure christianity which he preached and practised“ . . . „Dr. Ebel reminded particularly Professor Olshausen of his own repeated intimations respecting the inimical disposition against all really christian life which animated counsellor of the consistory Wald (since deceased), and respecting the animosity often deplored and openly manifested of Upperpresident von Schön against christianity, and his wellknown operations against those who belonged to it; in that quarter therefore the spirit of persecution was always on the watch; and Ebel added, obviously in order to facilitate to them the examination alluded to, that they would of course always remain his friends, even if they should withdraw from his closer intimacy, and that his friendship for them would not in any respect be diminished by it.“

The behaviour of both showed soon that Ebel had judged rightly what was passing in their minds; for hardly had two

months elapsed, when both made their choice in such a manner as to select the easier path and to separate from Ebel and his more ancient friends. But they did not take this step with the sincerity, which candidly owns the truth; on the contrary they sought pretences in order to reverse the sting which was tormenting their own love of the world and their want of decision and to turn it towards the man whose words of peace had invited them to an upright recollection and knowledge of themselves.

Olshausen did so by a letter, annexed to the acts, in which he at first seeks to excuse himself with the — historically incorrect — assertion, that „among all great men by whom God has carried out his work upon earth, none has been called without *direct revelation*,“ i. e. without miracles, „either bestowed personally and exclusively upon him or in conjunction with others, either for their own sake, or for the sake of surrounding people, in order to give assurance to them.“ He inferred from this that, „seeing the peculiarity and importance of Ebel's work, nothing ought to be missing, which belonged to every beginning of a new era in ancient times.“ — He revealed further, not indistinctly, though by unintelligible general insinuations, his displeasure on account of his efforts „to bring forward his own personality“ by the side of Ebel's not having found acceptance with Ebel's friends; but notwithstanding all the falsehoods asserted in this respect, he was unable to make Ebel any other reproach, but that, according to his opinion, his „guidance of the souls by no means avoided all errors, not only in practise, but also in principles.“

Von Tippelskirch carried to Ebel this confused exhortation betraying the writer's intention of going his self-elected easier ways, and though he did not acquit himself of his commission without embarrassment, he agreed on the whole with the contents of the letter, and soon afterwards he disclosed, even more plainly than Olshausen, the material motive of their step,

already hinted at by the latter, in declaring: „that nothing hindered him further to remain in friendly intercourse with Ebel and his associates, and to follow along with them the christian way on which they were walking, and which he could not but acknowledge to be a way of eminent conscientiousness and purity, but the only circumstance that they had not received any official legitimation, since he could hardly expect any advancement at the hands of the members of the spiritual authority, whilst standing in friendship with Ebel.“ This material motive was also acknowledged by the judge who at a later period conducted the inquest, and who declared in the acts, on the 22d of January 1836: „It is generally known that Ebel and Olshausen had stood in the closest and most intimate connexion up to the year 1826. They separated not before that year, and according to public report Olshausen did so with no other object than to become (ordinary) professor at the University of this town“¹.

It is impossible to give to anybody who has not witnessed these doings a distinct idea of the cold-blooded dissimulation, with which the aforesaid two individuals, Olshausen and Timpelskirch, after having for months feigned the most unreserved friendship, whilst fostering inwardly the project of this separation, suddenly threw off the mask, and instead of acknowledging Ebel's christian experience, as they had hitherto done with ostentation, endeavoured to set up as preachers and teachers of him, who had avowedly taught them to find the way to Christ. In opposition to this conduct, which belied all human feelings, Ebel unfolded in these circumstances a love,

¹ Olshausen has himself betrayed another motive of his separation (vid. „The love of truth, by Countess Ida von der Gröben.“ Stuttgart 1850, page LIII to LXI.); it was the intention of hastening to print on his own account the results arrived at by the profound disclosures which he had received concerning the truth — whose principles he intended to renounce publicly; he effected this in his „Commentary of the Bible“ published afterwards, as is shown in the „Love of truth.“

which not only is able to forget and forgive, but which could perceive in this action nothing but a wandering astray, for which he endeavoured with indefatigable solicitude to find excuses.

This conduct on the part of Ebel preserved outward peace at the time of this rupture, and prevented this peace from being disturbed, even when the two individuals in question sought to enlist adherents among those of whom they suspected that, like themselves, they would be glad to exchange the earnestness of christianity which they had been taught by Ebel, for the delusion that fidelity and decision were to be laid aside as a justification by works, and that the thing needful was only faith in an historical Christ.

Although many took with pleasure the opportunity offered them to enter a broader way which led them easily to obtain the means of calling themselves „believers“, nevertheless the number of those who discerned the foulness and the rotten root of this new doctrine was not small.

One of those who were strengthened in their christian striving by these incidents, and who in consequence of them drew still nearer to Ebel and his friends, was Revd. Diestel. He discerned the unsoundness of the whole opposition, and had found especially in his personal situation many occasions to perceive Olshausen's equivocal relation to christianity.

Olshausen endeavoured, by founding societies of every kind, to indulge in his inclination to play the master and to take advantage for his vanity from his separation from Ebel. This purpose was also generally seen through at the time, and the deeds of the lawsuit contain likewise a testimony to that effect, from the judge of inquest, counsellor Richter, who says in an official report of 22d January 1836: „Meanwhile Olshausen set up as the chief of another society; around him gathered those who had fallen off from Ebel. He called into life the preachers conference. I believe not to be mistaken in

saying that the foundation of this preachers conference was combined with the intention of obtaining a certain authority over all the clergymen of this province and to win them over by degrees to his religious opinions." „Archdeacon Dr. Ebel certainly stood in his way, having by many year's activity acquired a considerable number of adherents, who might be cumbersome to Olshausen on several occasions."

The aforesaid preachers conference was suppressed by the authority, because two of its members had lost their brains during the sessions. To vindicate himself of it, Olshausen published a pamphlet entitled: „A word of explanation to all wellwishers &c.", and this attempt to colour a thoroughly bad cause called Diestel into the lists against Olshausen. He stepped forth firstly with an energetic paper: „How the Gospel is disfigured," which excited uncommon attention and gave rise to a controversy in which others mingled, and which fell out so disgracefully and unfavourably for Olshausen, that in the year 1834 he managed to procure again an appointment at Erlangen, which he had formerly refused.

Tippelskirch also soon sought to escape from the outward conditions which upbraided his conscience with his inconstancy and which were of such a nature, that he could not avoid their influence so long as he remained in the place, the more so as, being an orphan, he had been educated from infancy in the house of the author of these pages and was still living in it. In consequence of his change of mind, his residence at Königsberg, especially in daily intercourse with the author and his friends, became insufferable to him, under circumstances which constantly reminded him of his fault. He left Königsberg before the end of the same year, and endeavoured to make his way -at Berlin.

But the seed which had been sown by Olshausen and Tippelskirch was not rooted out by their departure. The confusion which had been the consequence of their infidelity, and

particularly the calumnies which had emanated from them, poisoned the minds of many and disturbed the peace among persons who were united in the bonds of relationship.

Soon after declaring their separation, Olshausen and Tippelskirch had repaired to the country seat of the latter's brother-in-law, Count Fink. Here they succeeded in taking by their weak side the count and his lady, a niece of the author, who were both too deeply entangled in their sinful appetites to be able to withstand the temptation of choosing an easier path. This temptation was held out to them by Olshausen and Tippelskirch, who invented a tale about a pretended subordination in which they alleged to stand (but of which the count and countess had perceived nothing before), and released them from decision and fidelity, from that christianity which is active by love, and therefore also from the precept of Christ: „Be ye perfect even as your Father, which is in heaven, is perfect“; at the same time persuading them that they might nevertheless consider themselves as christians.

The unfortunate persons who had thus emancipated from their better consciousness, now joined in endeavouring to forge pretexts and pretences in order to justify their separation from those to whom they openly confessed to owe great thanks, and to impute, if possible, to the latter the cause of their separation. By dealing with equal unscrupulousness respecting the truth in relation to others, as they had done respecting their own conscience, such pretexts could indeed be found, to appease their inward reproofs, and at a later period they were used as a pretended foundation of the imputations afterwards maintained in justice. With this tendency to falsification they needed only to change friendly social circles into „meetings“, to which could be appended the character of conventions; — instructive conversations on religious and scientific subjects into „lectures“; — the wellfounded esteem entertained for an approved pastor into „adoration“; — the ascendancy

of intellectual powers which unavoidably makes itself felt in all relations (especially when it might hurt their own weakness) into a „doctrine“ of „chief and secondary natures“, even into a „complicated system of subordination“; — the frank opening of the heart and self-accusation (according to James 5, 16) into a „confession“, even into a „Rite of confession of sins“; — the love which obligingly stepped forward to meet also persons of different opinions and which (according to Romans 15, 2) ought to please one's neighbour for his good to edification, into „proselytism“; — a discussion of philosophical opinions, granted on request and modified according to circumstances and exigencies, into both „propagation“ and „mystery“.

But the antagonists were obliged to avow to themselves that all these imaginary structures would not suffice to account for so glaring an opposition against individuals, whose christian standing was generally acknowledged, and still less to secure to their malignant excitement the desired effective consequences. In order to raise the necessary outcry, an alarming ingredient was required, and this was sought and found in a matter which is eminently conducive to stir up base passions. The trick so often resorted to in persecutions against christians was played over again by endeavouring to bring sexual relations to bear upon their tale.

But in order to introduce such subjects into their imputations against a man who had always been censured only on account of the (according to most people, exaggerated) austerity of his principles of christian morals, another especial mediation was required, and this was afforded by the intervention of a jewish physician, Dr. L. W. Sachs.

Respecting this individual, who had applied to Ebel in the year 1816 with the request of being admitted into the christian church, the latter had made, soon after having begun to prepare him for it, the sad experience that he showed but

little aptitude to receive the spirit of christianity, on account of his being accustomed to indulge his appetites, and also of his proud and arrogant turn of mind. Only after having succeeded in opening to him an insight into selfknowledge, whereupon he took, as it appeared — and as it probably really was at the time — a sincere resolution to amend, Ebel consented, in the year 1818, to accomplish his desire, and to admit him by baptism into the christian communion, along with his wife and his son, who was three years of age. According to the acts, Sachs seemed indeed to enter more and more into the spirit of christianity, by laying gradually aside, in his intercourse with Ebel and his friends, his haughty and overbearing manners, which had made him hateful to almost everybody, as well as his other faults. Nevertheless and in spite of so remarkable a progress, Ebel was unable to suppress his misgivings and his inward perception that, at the bottom of his heart, Sachs was not sincere; it came to light also more and more that he was falling again into the low sensual temptations, which he seemed to have renounced, and that he secretly indulged in them. It became therefore necessary to intimate to him, that on account of this want of fixity of purpose on his part, it was impossible to continue the intercourse with him, because it would only increase his own responsibility without the friends being able to help him, and that moreover he was giving occasion for slander to the enemies of christianity, who only too often use to lay at the door of religion the blemishes of those who make open profession of it.

Whilst the friends of Sachs, and particularly the author of this pages with his wife, Minna von Dirschau, who had been sponsors to him, were trying everything that love and earnestness could do to lead him into a better way, the news circulated by Olshausen and Tippelskirch compelled them to leave off a closer intimacy with him. Olshausen especially had

obtained by proofs which had come to his hands in his collegial relations with Sachs, a knowledge of scientific frauds committed by him. Olshausen assured also that this as well as Sachs' propensity to drinking and to immorality had caused scandal among his academical hearers, and that his consideration had been sapped by it. Olshausen above all showed himself highly indignant at such conduct, and repeatedly urged, according to his own words, „to make an end to the intolerable tergiversations with Sachs“. The truth of the things told by him and Tippelskirch having moreover been confirmed also from other sides, it was deemed necessary, after all the experiences made with Sachs, to give up all intercourse with him. This was effected accordingly, in August 1825, by the author, who dispensed with his services as a physician and broke off his social converse with him, telling him the reason in a letter of earnest admonition.

Being now separated from those who had hitherto by love and earnestness upheld the nobler parts of his nature, Sachs fell a prey to the passions which were heaving within him. Nor was this change without influence on his exterior circumstances, for the confidence which many persons had placed in him as a physician being principally founded on the fact, that Ebel stood in friendly intercourse with him, it necessarily ensued that, this intercourse being broken off, a fact which could not remain concealed, many of his clients turned away from him, thus causing a diminution of his income. Sachs did not conceal how much this excited his anger. In this disposition he seized eagerly the occasion which was offered to him in the year 1826, to give vent to his animosity. Olshausen namely, who, as has been said before, had been one of the principal instruments in effecting the separation from him — had indeed, so long as he remained faithful himself, acted in the same sense with regard to Sachs, and not only broken off his own converse with him, but also made obvious to his friend,

Professor Rogge at Tübingen, the necessity of this step, and even availed himself of a trip to Berlin in order to communicate this rupture to his acquaintances there. But when, in the year 1826, Olshausen himself had changed his mind, *he sought a reconciliation with Sachs*, and found in him an ally against Ebel and his friends. Sachs embraced this opportunity to add to the theoretical charges, confined to the domain of theological controversy, which had been invented by the faithless friends according to their individual propensities, an impure ingredient tallying with his own character, and this accounts for the immoral slander which came out afterwards.

By the addition of such matters the accusers secured to themselves, at the same time, the assent and connivance of all those, who take pleasure in impurities. From the moment of this conspiracy, hints at defamation in this respect were given here and there by the assailants — but they dared not to come forward openly with them, and only spread them about by stealth, until other circumstances occurred, which gave occasion to an outburst of the passions and made an end to secrecy.

It was count Fink, who let himself by pecuniary considerations to be excited to such a degree, that his bitter animosity vented itself in an open attack.

The summons to pay out a portion of the inheritance from his father, served upon him on behalf of his sister (the second wife of the author), who had for years abandoned to him the interest on the sum¹, and to whom, when afterwards she stood in need of this income, he delivered it only with reluctance and upbraidings, so that it was found necessary to make an end to this relative position, had, in spite of all the

¹ Among the documents of the inquest is to be found the act of division of the inheritance, proving that the remission of the interest during 14 years had taken place without any obligation, as a free gift.

forbearance observed towards him (vid. „Elucidation“, page 59 sq.) overexcited him to such a degree, that this became the outward cause to flame into a blaze the fire of exasperation against positive christianity, which had been glowing under ashes.

CHAPTER III.

INSTIGATORS OF THE ACTION.

On account of the complete invalidity (according to the principles of law), of the aforesaid loose imputations, auxiliary instruments were needed in order „to bring them before the authority without denunciation“¹⁾, namely auxiliaries who, in virtue of an influential official position, could supply by a powerful recommendation the want of judicial foundation. It may be seen by the transactions of that time, that the *Consistory of Königsberg*, during the years from 1810 to 1814, was an authority capable of allowing accusations against a clergyman generally and highly esteemed, to be preferred to it by a so called „credible man“ or other anonymous individuals without judicial foundation. This tendency of the aforesaid authority had remained unchanged, though the members had been for the most part renewed. This was shown by the fact that the operations against Ebel's activity went on under cover on every suitable occasion, though they dared not to appear openly in consequence of the earnest reproof received from the superior spiritual authority of the time (vid. „Elucidation“, page 62 sq.).

The constant efforts of the spiritual authority, if possible to remove Ebel from his circle of activity, were betrayed to the author of the „Elucidation“ by the president of the Consistory,

¹⁾ The above mentioned professor Olshausen had unmistakably betrayed this intention in his advertisement inserted in the evangelical churchtidings, and annexed to the acts.

Upperpresident von Schön himself, in a conversation which he had with him, and in which the latter stated that „the deceased archbishop Borowsky had told him, it was no use to attack Ebel, that he was unassailable in his official as well as in his private life, and in every thing emanating from him; that he had been watched for a long time, but that, in spite of all efforts, nothing could be found against him.“ But it would be a mistake to infer, from this private assertion, a favourable disposition on the part of Upperpresident von Schön towards Ebel or towards the author. Schön was, on account of his whole individual turn of mind, an adversary of christian faith and christian striving. But when that conversation took place, he stood in need of Ebel, whose mediation had been asked with respect to family matters in which he was concerned, and he therefore made a point of seeming impartial, in order to conceal for a while his true sentiments. But the latter manifested themselves clearly soon afterwards, on occasion of the present action. The deeds contain (vid. „Elucidation“, page 64, sq.) several facts, from which is to be inferred that Upperpresident von Schön and the Consistory are the real originators and creators of the „sect“ simulated by them for the purpose of persecution. It is also well known that Upperpresident von Schön is the man who put in vogue, at the present time, the use of the old invective *Mucker* (sour devotee) and who is responsible for it that, contrarily to its linguistic signification — a knavish hypocritical disposition — it has been employed by a lascivious press and even by writers of ecclesiastical history, in a sense dishonourable to its inventors and to science. Besides, the acts contain evidence proving that „Schön, disowning all inward sense of truth, has not shunned to step forth as an enemy of those who love God, and as a patron of those who despise Him; that notwithstanding his own confession, that Ebel's whole individuality inspired him with the highest esteem, he had

admitted against him slander without any proof, only because it was his greatest pleasure to lend his ear to every kind of scandal, above all when directed against persons of christian disposition" ¹.

It is not to be wondered at, that so decided an opposition to christianity seized with eagerness on the first opportunity which offered to injure it if possible. Such an opportunity occurred to Upperpresident von Schœn yet before he had arrived at Königsberg, to take the office of Upperpresident of the provinces of Eastern Westprussia and Lithuania, which had been conferred on him in the year 1824, after the demission of Governor von Auerswald from his official position. It was the outward condition of the old town church which was made an object of attack, in the hope of indirectly undermining thereby the activity of the clergyman (Ebel) who stood in the way of the anti-christian efforts, on account of his considerable influence.

This church, one of the finest temples of the town, had stood unshaken for more than five hundred years. A small declivity of the tower, which existed since centuries, had caused long ago measurements to be made, from fifty to fifty years, in order to ascertain whether this circumstance was fraught with any danger. But these technical experiments having shown every time that the position of the tower had remained

¹) A pamphlet quoted in the „Elucidation“, page 68 (note), shows how the public adulations of Schœn, which were spread far and wide, already in the years between 1840 and 1850, and which exerted themselves to transfer the laurels wreathed around the heads of others, of Minister von Stein, of Upperpresident von Auerswald and of general von York, to the head of Schœn, were supported by nothing but the assertion that „he (Schœn) had said so himself.“ E. M. Arndt declares on the contrary that: „The noble land of Prussia has been equipped and armed with the old courage and old love and fidelity of its people old and young under Stein's, Dohna's, Auerswald's and York's auspices“ (therefore not under Schœn's).

unchanged, the experts had come to the conclusion that the building — as is often the case — shortly after its erection, had settled down and fastened itself in such a way, that an insignificant and quite undangerous deviation from the perpendicular line had ensued. One of the first acts of the Upper-president however, with which he began even before his arrival at Königsberg, was an order sent from Marienburg to the church-college of the old town to demolish the church within a fortnight. Königsberg, so he said repeatedly, possessed churches enough, and the parish being too poor to rebuild its church, it could well be dispensed with. Indeed, the execution of this plan was for a while frustrated by a judgment of experts, stating that a much larger space of time would be required to take to pieces the organ alone — if this fine piece of workmanship, one of the largest in Germany, was not to be utterly destroyed. But the project of demolition was not abandoned for all that; on the contrary, the church was shut to divine service during a year and ordered to be closely observed during that time. This delay was made use of in order to undermine, under pretence of examining the security of the foundation, a certain pillar which was considered doubtful, until it was entirely set under water and deprived of its support. After such a measure, which the parishioners could not impede, the pillar in question could not but be shaken at last, which caused the decay of the whole building. It was easy to perceive that no building could withstand a similar test of demolition, and so it was generally understood; nevertheless the object was carried and the breaking down of the church was made necessary. But all the machinations against Ebel did not attain their end at that time. His congregation willingly followed him to the more remote church whither their place of worship had been transferred, and here concentrated around him the more intensively. And when ten years afterwards, after the decease of his senior

colleague, Ebel arrived himself at the head of the church college, and among the other business of the parish also took into his hands the reedification of the old town church, he succeeded in accomplishing it, overcoming all the impediments which were laid in his way from various sides (vide „Elucidation“, p. 72 sq.).

But the failure of projects pursued with perseverance for a long time, could only excite so much the more an adversary of Upperpresident von Schön's character. His disposition towards Ebel identified itself the longer the more with that of the accusers of the latter, and qualified him perfectly, in virtue of his influential position, to support before the authority and get admitted by the same, the imputations which they could not venture to bring forward straightways.

Fink's anger on account of the above mentioned demand of payment gave rise to an association of the adverse interests. Under the false pretence that by this summons the ruin of his whole fortune was effected and even intended, Fink availed himself of the presence at Danzig of Upperpresident von Schön, as royal commissioner at the assembly of the States, in the year 1834, in order to communicate to him, with an air of great importance, all his imputations against Ebel and his friends, heightened by the addition derived from Sachs, and to sound him whether he would be favourable to an attack against Ebel. — As was to be expected from Schön's well-known disposition, and as appears from the deeds, Fink found with him the desired welcome hearing, although the Upperpresident did not esteem Fink, and had formerly in speaking of him called him by a dishonourable name.

Having now made himself sure of Schön's readiness to procure admittance to his defamations, and having thus gained a support, he not only whispered them into others' ears, but even diffused them unreservedly among quite unconcerned people. To this effect he addressed, towards the end of the year 1834,

a letter full of slander against Ebel and his friends, to a relation of his, quite unconcerned with these persons, adding an express invitation to communicate the letter to her brothers and sisters. One of the latter, Miss Zeline von Mirbach, who penetrated the impure source of this abuse of persons who were known to her as respectable and christianly disposed, taxed the writer with it, and thereupon received from him another letter, dated 15th January 1835, which not only repeated those imputations, but even augmented them and extended them also to Diestel, against whom he moreover sought to raise suspicion as an hypocrite. Miss von Mirbach, still more indignant at this letter and its unmistakable malignant tendency, communicated it to Revd. Diestel, who was since many years a friend of her family, in order to put an end to those calumnies. With this object, Diestel addressed on the 4th of Mai 1835 a letter to Fink, in which, disclosing with profound indignation and contempt the motives of the assailant, he declares to him that: „as he could not allow christian pastors to be persecuted with the most shameful calumnies, and the holy office, which they are invested with, be opposed, he would resist similar attempts wherever he should meet with them, and discover their falsehood.

This letter was made use of by Fink, in order to bring the matter into the hands of the authority. He brought an action for insult against Diestel, and annexed to his complain, not only Diestel's letter, but also his own letter of defamation to Miss von Mirbach.

By this measure the accusation had come out of its hiding place. In order to turn to his advantage the conspicuous effect which it could not but produce, Fink sent about a circular letter of slanderous contents, not only in Prussia, but also in Silesia, to all places whither he knew that Ebel's influence had extended. — Tippelskirch in his way seconded his brother-in-law in these efforts to propagate their common calumnies.

Diestel has shown in his work: „An examination of witnesses“¹, how he has carried about his slanderous gossip in the whole north of Germany, in such a manner that shamelessly detailed, literary fictions, which appeared at that time in the daily papers, claimed a Mr. von Tippelskirch as their voucher. In this way Tippelskirch made palatable to the publicists the falsehoods which his brother-in-law had contrived by shift to bring before the authorities.

Every friend of truth rejoiced at seeing that the calumnious slander of wicked men, which had been crawling about in secret, was now dragged out of its lurking place by these events, and that the mask was torn from the face of its propagators.

The trust that falsehoods must needs be disclosed has not remained unfulfilled; for the result of the whole inquest, though conducted in a sense favourable to the accusers and in a most hateful manner by their official wellwishers, has nevertheless completely destroyed the slanderous tissue of false accusations. But so much the more afflicting is the fact established in the following chapters, that the functionaries and authorities who concurred in the action have not been able to discern the noblest part of their official duty, viz., *to see justice done to truth by public refutation of the calumnies propagated in contradiction to the acts*, by which circumstance it has been made possible to the untiring intrigues of the party of the accusers and of their adherents, to keep the world, up to the present time, in delusion with regard to the issue of this affair.

¹ Vid. page 15 of the second edition of it annexed to von Kanitz's „Word of admonition“ (1868).

SECOND PART.

History of the prosecution.

CHAPTER I.

ENCROACHMENTS OF THE SPIRITUAL AUTHORITY.

The above mentioned action for insult brought by Count Fink against Revd. Diestel, was — according to the prescription existing in Prussia — communicated in exemplification to the Consistory of Königsberg, as being the competent spiritual board of control. Among the annexes was the aforesaid letter of Fink to Miss Zeline von Mirbach, containing nothing but a lot of loose imputations, destitute of all proof, against Ebel and his friends (vid. „Elucidation,“ pag. 80), and which in regular course of proceeding ought to have led the spiritual authority to take the writer to account for it, especially in presence of the official activity of long standing and of the high consideration enjoyed by the assailed party. But already the first step of the Consistory, whose chairman, Upperpresident von Schön (as has been stated), had been previously prepared by Fink, showed a different intention. In addressing to Fink an invitation to sustain his assertions — which con-

demned themselves of their own accord — before a judge, as if they deserved consideration, it forgot its official position so far as to slip in the hint, „that it would require only a short statement of a few facts to afford a motive for an interference against sectarianism“ (which idea appears here for the first time). This intimation, which contained, as it were, an invitation to the denunciator Fink to make common cause with the authority, in order to attain the object determined before hand by the latter, viz. *the interference against sectarianism*, overstepped the limits of an official measure, to enter the domain of a private agreement, and placed the consistory from beginning in the position of a party, a mode of conduct which the ministry of ecclesiastical affairs had so earnestly and impressively reproached to the same authority in the year 1814.

In this disposition Upperpresident von Schön, as head of the consistory, consented immediately to the suspicious demand of the delator, to lodge his information before a clergyman instead of a judge (who, according to the law, can admit only facts and judicial proof), he even appointed to that office as well as to the management and direction of the whole transaction the very member of the consistory who, being a wellknown adversary of Ebel and his principles, seemed most appropriate to attain the object in view. This was Counsellor of the consistory Kæhler, the same who twelve years before had proclaimed by a pamphlet his hostile position towards the assailed cause and persons, and had from that time constantly manifested the same antagonism against them.

This spiritual commissary began his operations in this affair by releasing the delator, according to his wish, from the obligation of producing facts; he admitted as „doctrines“ alleged sayings and opinions, stated with the utmost confusedness, and allowed an indiscriminate collection of letters, written from ten to fifteen years ago and attributed to Ebel and his friends — they were for the most part from the author

of this book — (though he called them „highly edifying according to their proper and plain meaning“) as well as a manuscript on philosophical subjects, to be considered as alleged „proofs“ of the accusations against Ebel and his friends. The informer had repeated in his statement all the malignant calumnies which he had formerly spread under cover, but at the same time he protested eagerly against being looked upon as delator.

Thereupon professor Sachs, who had been notoriously excluded from conversation with Ebel's friends, and who, from that time, stood in opposition against them, was appealed to, not according to prescription, in the official sitting room of the consistory, but by „a citation neither signed by an authority, nor provided with a number from a daybook (as is prescribed in Prussia) to the private dwelling“ of the member of the consistory who was intrusted with the affair.

The motive of this proceeding, contrary to rule, was indeed not exposed to control by insertion in any record, but it may be inferred from the contents of the deeds, that the spiritual commissary, contrarily to prescription, had mingled with the questions put to the person summoned, subjects of which the accusing statements laying before him (and which must needs form the boundary of the allowed official perquisitions) did not contain a single word, but which were intended to render possible the accusation contemplated *by himself*, and which he afterwards really effected, though without having obtained the foundation desired by him. To such questions it was easier to expect the wished for replies and disclosures in the familiar atmosphere of a private room, than in a place where the outward objects alone sufficed to remind one of the *proof*, which the authority is in duty bound to exact in support of the statements made at its bar.

Though these interpolated questions did not carry their object, and even Sachs did not choose to take upon him the

authorship of the falsehoods, which Fink had attributed to him in his examination before the consistory, nevertheless Kähler succeeded in putting Sachs at rest respecting the apprehensions showed by him at first, and in opening his mouth for utterances which stand indeed in the most glaring contradiction to themselves and to later statements of the same witness, but which nevertheless so far satisfied the limited exigencies of the commissary, that the consistory thought to be able to avail itself of them for the contemplated object.

Thereupon the same commissary of the consistory tried to combine in a composition framed by him under the name of „theological judgment“ the absurdities and the preposterous fragments of both the accusing depositions, which did not tally with each other, but which he endeavoured to shape into a connexion by means of the cement he had himself prepared for the purpose.

The nature of this piece of writing, from which it is impossible to make quotations on account of its confusedness and inconsistency (vid. „Elucidation“, p. 84—87) is revealed already by the characteristic manner in which the author himself sought to defend it afterwards in justice. He said in his apology, that this judgment „reposed only on suppositions“ which had only „moral probability“, and that indeed the word „certainty“ had been used but in such a construction, that every unpreposessed reader must understand at once that it was meant only for „probability“. He said therein further, that the judgment (which had been sent to the criminal court according to a disposition taken by Kähler himself as commissary of the consistory) „had only been written for the consistory, and that he would have worded it quite differently if he had known that it was to be communicated to the accused parties.“ The consequence of this is therefore that, in order to attain his end of persecution, he had not hesitated to write down in an official judgment things, which he was

conscious not to be able to maintain in justice and in confrontation with the accused persons. Finally the hurry with which the consistory (i. e. in fact the president and the commissary of the consistory himself) urged the intended interference, was mentioned as an excuse for the acknowledged anomalies, not reflecting that this hurry, already suspicious of itself, ought rather to have induced him not to lavish his time in conjuring up calumnious paralogsms; of which he could not abstain even in this vindication, though he was compelled to acknowledge a „very noble thought, inspiring with moral enthusiasm“ to be the foundation of the assailed exertions. — When this so called theological judgment had been penned, the consistory thought itself sufficiently prepared to proceed without interruption on the way which it had taken. On the 28th of September 1835 a summons was served upon Ebel to appear on the 2d of October, in order to be examined on the charges communicated to him in a short extract. By withholding from him the record of the accusation, it was intended to engage Ebel from beginning into an unequal fight with adversaries who were kept in ambush. This mode of proceeding seemed very strange indeed, even to the president of the tribunal, Chancellor von Wegern, who was by no means favourably inclined towards the cause or persons, but who could not conceal from the author of this book his astonishment at the consistory's having at once and before hand stepped in inquisitorially. At the same time all measures were taken in order to remove every impediment out of the way of the intended acts of violence. Under such circumstances Ebel did not think himself entitled to prejudice his right and position so far as to submit to such proceedings. For he knew that no wellfounded accusations could have been brought against him, and that a judicial examination of the relations of his accusers towards himself must establish their hostile position and their incredibility. Moreover he perceived by the

summons which he had received, that the consistory had appointed his old adversary as a spiritual judge over him. This being the state of things, he begged on the 30th of September 1835 that the record of the accusation should be communicated to him, in order to enable him to acquaint himself with the originators of the charges and with the whole contents of the latter according to their text. But this request having not been complied with, he nevertheless appeared on the appointed day, which in consequence of this exchange of letters had been postponed to the 5th of October, but in doing so he repeated his former demand, and when it was again refused, he declared that he could not admit the intended inquisitorial proceedings, and that he could not give any explanation until his claim was satisfied.

The result proved how rightly Ebel had judged the mode of proceeding of the consistory, and how soundly his demand was justified by the state of things. For the first question which the commissary of the consistory Kähler put to him, on the fifth of October, after the decision that Ebel was to be examined on the charges *brought against him*, was „whether he acknowledged the assertion that he had founded a sect to be correct?“ But the text of the record of accusation showed that the aforesaid charge *was not at all contained in it*, and that nobody had *brought* that charge against Ebel. On the contrary, the first delator, Fink, had declared that neither he nor his proxy had made use of the word „sect“, and that „his statement contained nothing which could have given rise to this question.“ „In my preceding declaration (so he continues) is demonstrated that the connexion between Ebel and his friends does not rest upon outward forms, but upon inward conformity. I never heard anything about statutes.“ — Sachs also being asked in what connexion he had stood with Dr. Ebel, had replied likewise, that it „had been merely of a spiritual nature, and that outward tokens and

forms, such as use to belong to prohibited societies, had remained entirely alien to this association." It is obvious that the communication of the record of accusation would have shown at once that the charge of sectarianism was founded on nothing, that the consistory itself, in its animosity, had given birth to it, and therefore that the aforementioned question could not have been put to Ebel, if his demand had been complied with.

An information on the whole affair, offered by the author of this book, was not accepted by the consistory, though to an authority earnestly intent on ascertaining the real state of the matter nothing could have been more welcome than to hear *both* sides, and therefore, in opposition to the improbable and uncertain assertions of the enemies, to listen also to the statement of a man well acquainted with the matter, and who sustained its legality. But the consistory preferred to hear only the accusers, and gave to their denunciations an illegal weight by consenting, on Fink's request, not to take him as delator, and in summoning him and his fellow denunciator Sachs, against all notions of law and justice, *as witnesses of their own accusations*.

So the consistory, with self-constructed denunciations, self-created witnesses and a self-invented charge of sectarianism, founded on appearance only on a theological judgment, proceeded already on the 7th of October, two days after Ebel's examination, to the chief end of his desires, namely the suppression of Ebel's activity, by ordaining his suspension from office.

Ebel, who knew his adversaries, was less astonished at this encroachment than the public, of which a great number had expected at the hands of the authority an efficacious protection of Ebel against his enemies. The consciousness of his right gave him the strength, as was expressed by the commissary of the consistory in a public manifestation which appeared at the time — „to accept the ordained suspension

very quietly and serenely." But the consistory and its commissary so much the more felt the necessity of apologizing as well as they could for the striking character of the measure, and they attempted to do so immediately on three different sides, as is shown by the acts.

Towards Ebel this was effected in the disposition of 7th October 1835, which apprized him of the suspension, by the addition of these words: „Your professional conduct, up to the present moment, which in our official judgments has ever been acknowledged as blameless and zealous, cannot detain us from going on in our proceedings, since it has not been able to preserve you from so severe charges“ — an apology which can be admitted as valid neither by law, logic nor experience. By law, because this gives a complaint the *less* importance, the more *blameless* is the party against whom it is directed; — by logic, because not *every* accusation is of itself a *wellfounded one*, and nobody is capable of *preserving* himself from an unfounded accusation, for the very reason that it has no real foundation in facts, which could have been avoided or removed; — by experience, because history shows in many instances, that precisely the *noblest* individuals *have not always been able to preserve themselves from severe charges*.

The consistory deemed necessary to justify itself also publicly. But as this could not be done straightways without compromising the credit of the authority, the commissary of the consistory tried to do so indirectly and anonymously, but with equal uncleverness, by means of an article inserted into the universal churchtidings of 24th November 1835, N. 177. According to the commissary's own exposition, the public had been knowingly misled by the spiritual authority, as has been demonstrated in a special manner in the „Elucidation“, page 92; and by this misdeed a clergyman, acknowledged to be highly respectable and deserving, has been abandoned without protection to a malignant persecution.

The judge of inquest having called to account the author of the aforesaid article, Kæhler, the latter gave on record on the 10th of March 1836 a pretended justification of it, in which he defined the „public“ (whom he had invoked as the power which had compelled the authority to the suspension) as a something which is met with everywhere, but can nowhere be distinctly seized. The humiliating confession of the author was therefore, also in this instance, to have been serviceable to such a phantom by a violation of the truth.

Upperpresident von Schön very ardently defended this article, observing that Kæhler had „protested that he had written the paper inserted in the universal churchtidings entirely on the foundation of his private knowledge and without making use of the data known to him from the deeds.“ Schön did not perceive that he only aggravated the guilt of his client by representing him as publishing his *private* knowledge in order to raise suspicion against parties whom he ought to have judged *officially*, and that by such a defence he made himself a partaker in Kæhler's fault. But the court of inquest admitted this reply of an Upperpresident, resembling a satyre on its faculty of judgment, without taking to account either him or his client for the abuse of official documents committed by the latter and protected by the former.

The third party with whom the consistory sought to justify the sudden suspension from office alluded to, was the *proposed ministry of ecclesiastical affairs*. In this place the bugbear of a menacing popular excitement was to give to the measure the appearance of urgent necessity (vid. „Elucidation“ page 95 sq.).

Instead of affording to the proposed ministry an insight into the matter by adducing the respective proofs of its assertions, the report of 7th October 1835 said: „That the excitement is very great, appears from two notices made in writing by the President of the police to the undersigned Upper-

president, stating that, in order to avoid disturbances, the attendance of police-officers at the sermons of Revd. Ebel and Revd. Diestel has been necessary already on several sundays, and that the police had been obliged to protect Revd. Ebel and Count Kanitz from the insults of the mob, on their public appearance in the streets."

When afterwards this report was communicated to the court of inquest, and the judge examined more narrowly into the statement of „disturbances“ and „insults“, which was very interesting to him with regard to his investigation, the president of the police, Dr. Abegg, established by his reply of 18th January 1836, „that a disturbance of the sermons or an insulting of the aforesaid persons had not taken place, and that therefore an interference of the police in this matter had never been necessary.“ — This reply proved therefore that the motive alleged to the ministry and representing disturbances and insults which had *not happened*, and an interference of the police which had *never* and *nowhere* been effected, in other words, *mere groundless suppositions*, as *real facts*, to be an *intentional fiction* and at all events a *real mistatement of the truth*.

Indeed the superior ecclesiastical authority at Berlin was not in possession of the means at once to see through the inexact exposition of the matter, which, according to the foregoing, had obviously taken place, but nevertheless the contents of the report of the consistory and the papers annexed to it could not conceal from its view that the suspension from office had been rashly ordained and that the demand of a criminal inquest was not founded. The aforesaid report had the insolence of calling to mind that the „afore mentioned transactions with Ebel in former times (during the years from 1810 to 1814) made him appear as a man from whom such things as he now stood accused of could well be expected.“ But the ministry had in its hands its own rescript of 28th August 1814, according to which (as has been stated before p. 9—12)

all the *imputations* made at that time *against Ebel* had been declared *entirely groundless*, the proceedings of the *consistory* quite *unjustified*, the interference against Ebel proposed by it, considered as an encroachment upon evangelical liberty of teaching, even as an „*act of violence*“; and in which it had been said in so many words that the attacks on Ebel wore „the appearance of a *spirit of persecution*.“ Therefore the ministry ought to have possessed sufficient motive, not only to censure earnestly and strongly the reporters, on account of the audaciousness with which they made statements which contradicted their own documents and those of the ministry, but also to point out to them the obvious fact, that it was rather *the consistory* at whose hands, after such a mode of proceeding in violation of law and truth, as well as according to the whole contents of the report, an illegal management of the whole concern *could well be expected*. For the statements of the report showed that the „appearance of a spirit of persecution“, censured by the ministry in the year 1814, had turned into *effective persecution* by the manner in which the present attack against Ebel was accounted for. This was to be particularly inferred from the fact, that the report did not shun, in its hateful accusatory conclusions, to go *far beyond* the accusations of the delators; that it sought further to deduce from the annexed letters proofs of particular charges—to which no reasonable man could find in them the remotest allusion, and that finally it was falsely asserted that the consistory had „intentionally invited the so called witnesses, to explain themselves on the particulars of the accusations only so far, as it found occasion for it in the existing records“, though the contrary was to be inferred from the examination of professor Sachs (vide above page 36), a record of which was annexed to the report.

Instead of acting to the point in this manner and of subjecting the whole proceedings of the consistory to the

severe reproof which they deserved, the steps hitherto taken as well as the demand of a criminal inquest were approved.

The Upperpresident having in the meanwhile invited, on the 16th of October 1835, yet another accuser, counsellor of administration von Hake, to communicate what he knew „of Ebel's sect“ and by this definition manifested anew his unvarying determination to make out such a „sect“ in spite of all the statements to the contrary, the criminal inquest against Ebel was brought by the consistory before the competent court of justice.

But the consistory and its president were not satisfied with having suspended Ebel from his official activity; the same measure was ordained also against other parties. It was impossible not to see that the persons who knew most intimately the activity of Ebel and the intrigues of his adversaries, and who could give evidence of both, not only respecting the time to which the accusations referred, but also respecting that which had preceded and followed, would afford a considerable counterpoise to the accusations, if they were called as witnesses in the contemplated inquest. It was therefore the interest of the opponents to put these individuals also as far as possible in a state of accusation.

This was done accordingly with regard to Revd. Diestel, on the evidence of two witnesses who, according to law, were entirely incredible (vid. „Elucidation“, page 100). Upon their assertions, the suspension from office was ordained against Diestel on the 9th of December 1835, and on the 14th of the same month a criminal inquest was brought in against him.

The Upperpresident, as head of the consistory, attempted also to involve the author of this book into the accusation, and he hoped to attain this object by means of the animosity which he knew chancellor and president of the tribunal von Weguern to entertain against him; but he did not succeed.

This matter presented greater difficulties than the suspension from office easily achieved before against two clergymen, because, according to the Prussian constitution, such a measure cannot be taken by the preposed ministry alone — as with the clergy — but must be ordained directly by the Sovereign himself. In order to be certain of success, the attack was effected behind the back of the assailed party, so that the latter might be surprised with the decisive blow before he was able to do anything to avert it. It had been, namely, falsely and strangely represented to the King, that a public vindication of the author, in answer to the above mentioned article of the commissary of the consistory, which also offended him, was not consistent with his official position. But this time the assailors were themselves surprised when they saw by the letter of cabinet of 19th March 1836, which was issued in consequence of their proposal, that their attempt had failed, in spite of their having contrived to prevent every resistance. They were obliged to bear with the author's remaining yet for ten years in his office, so long as his weakened health allowed him to continue to perform his very fatiguing official duties; a fact which was of itself an evidence against the persecutors.

CHAPTER II.

RASH INTERFERENCE OF JUSTICE AND ITS CONSEQUENCES.

The Prussian law prescribes:

- 1°. that the judge shall abide strictly by the limits of the law;
- 2°. that he shall subject to his judgment nothing but facts;
- 3°. that he shall maintain the equality of all individuals before the law.

The cause of all the illegalities which have been committed in the present lawsuit lies in the transgression of these

prescriptions. As to the beginning of the inquest, this is, by law, only allowed to take place, when the certainty or probability of a misdemeanor has been established, and when the matter of the facts relating to it has been completely ascertained by justice. Both these requisites were wanting in the present instance. Had the judge acted on legal principles, he would have absolutely rejected a complaint so destitute of foundation as this was, according to the acts. Even if he thought himself obliged to enter more closely into the matter, he ought to have required from the spiritual authority the declaration: whether they could, in presence of the assertions of the delators which *contradicted the existence of a sect*, step forward as self-dependant denunciators on that head, and in that case, by what facts they were able to prove the existence of a sect, and especially of a punishable one?

It ought further to have been represented to the consistory, that a philosophical and theological opinion — this being the point censured in the technical judgment — was in itself unassailable according to the Prussian law; that this was acknowledged even by the judgment itself, and that therefore the conclusions inferred from it, and belonging likewise to the domain of opinions, could not justify the interference of the authority, so much the less as the assertions of the author of the judgment, opposed to the alleged opinions, were destitute of every legal foundation, and not even supported by any binding authority derived from the doctrine of the church. That therefore the judgment added to the accusations bore the character of a treatise on theological or party polemics, and could so much the less afford a proof against the accused, as from its subjective point of view it pronounced, even respecting facts, condemnations which reposed only on unproved suppositions.

Instead of sifting in this manner the proposals of the consistory and the technical judgment, according to law, the

court entered into them summarily. The following facts, namely, that before the beginning of the criminal inquest not one of the accusers has been called to the bar (according to the prescription contained in §§ 106, 111 and 116 of the Prussian rule of criminal proceedings); — that the *foundation* of the information has not been closely ascertained (as required by §§ 107 and 112); — that the examination of the circumstances *relating to the relations existing between the delator and the accused persons* and to the *credibility* of the former, was *entirely dispensed with* (a preliminary investigation imposed on the judge as a duty by §§ 112 and 115); that finally even the *circumspection* expressly commanded by §§ 108 and 110, *in order to preserve the reputation of the accused parties*, has been *completely disregarded*, although the violation of right already committed by the spiritual authority in rashly suspending the parties from office, made this precaution so much the more necessary; — this unobservance of *all the prescriptions* made by the Prussian law for the security of the assailed individual *before* the beginning of the penal suit, was attended with many other illegalities.

The next of these was the *neglect* of judicial provision *to establish the matter of the fact*.

As if the whole chapter of 65 paragraphs on establishing the matter of the fact, contained in the law, were not in existence, the court decided on the 16th of November 1835, upon the motion of the spiritual authority, to begin the inquest against Revd. Dr. Ebel, and on the 14th of December of the same year that against Revd. Diestel.

The functionary appointed as judge of inquest, who at that time yet considered such anomalies as impossible, in vain pointed out, before opening the proceeding — as may be seen by a notice given by him on record on the 18th July 1836 — the necessity of „making an investigation to establish the matter of the fact, in presence of the defectiveness

of the preliminary transactions of the consistory." This intimation was not attended to, but on the contrary it was ordained that the lawsuit was to be commenced by an examination of the accused parties, that to this effect a protocoll of denunciation was to be drawn up, and that this was to be communicated to them.

In so doing the legal course of criminal proceedings was *exactly reversed*. In spite of an acknowledged defectiveness of the preliminary transactions, the accused persons were summoned to the bar, to be examined on the same, and obliged to defend themselves against a *corpus delicti* which did not exist, and which the inquest was yet to make out. The court therefore undertook the unworthy task, not to *investigate* the truth, the existence of a misdemeanor represented to it as probable, but to *search* after a non-existent misdemeanor.

Since the accusers had been permitted to appear as their own witnesses and to substitute their inventions to the matter of the fact, every body who objected to the accused persons and their friends on account of their christian mode of living, thought himself entitled to give a certain importance to the imputations hitherto circulated in secret, by attesting them at the bar.

Under these circumstances the cooperation of a person closely acquainted with the matter and who could have thrown light upon it, ought to have been welcome to the court of inquest. This was afforded to it by H. M. King Frederick William III. in appointing the author of these pages as *elucidator*. In the beginning, the court seemed to agree with this measure by submitting to the elucidator, upon his representation that it was impossible to elucidate the matter without being made acquainted with it, the accusations and the provisions which had ensued upon them. But when it appeared that the elucidations effected their purpose, and that light was cast over the affair, discovering the incredibility of the accusers and of the witnesses who supported the accusation, counter-

influences were brought to bear (vid. „Elucidation“, p. 114 sq.), the result of which was, that the insight into the deeds was refused to the author under empty pretences. He therefore saw himself compelled to lodge with the preposed judicial authority at Berlin a complaint exposing at large the injustices which he had discovered up to that moment, and concluding with these words: „The present criminal lawsuit cannot avoid the just appreciation of posterity; the strong violation of right which lies at the bottom of it, will not remain concealed. I consider myself in duty bound to express this conviction.“

But this representation remained without effect, and the farther progress of the affair justified but too well the warning contained in the above quotation.

The consequences of the rash interference of justice manifested themselves in several directions. If the sudden and premature suspension of Ebel from office had already given to those, to whom the well-known earnestness of his christian principles was obnoxious and disagreeable, a pretext no longer to restrain their disaffection, the criminal inquest opened without all legal preliminaries completely unfettered the passions, so that, with few exceptions, all the authorities before whom were brought circumstances relating to the inquest, thought themselves — as it seems — from that moment entitled to treat, as it were, as put to the ban, not only the accused, but all persons who gave evidence *against* the accusations.

Immediately after the beginning of the inquest several complaints on account of injury to reputation were brought in the courts of justice. The law makes a difference, with respect to the penalty of such offences, between attack and defence, because it does not intend to punish offensive reproaches which one may be obliged to make in defending one's self against assaults. But in this case, for instance, Diestel was punished four times for alleged offences which were pretended to be found in his vindications, whilst on the other hand all the

complaints made by the accused persons and their friends against offensive attacks, were rejected under pretences contrary to law (vid. „Elucidation“, page 119 sq.).

The court of wards also consented to abet the persecution by causing, under the illegal pretence that they stood in connexion with friends of the accused, two young ladies of high standing, of 20 and 22 years of age, to be literally torn from the arms of their mother, at the request of their guardian, who was a malignant witness in support of the accusation; and from the arms of her elder sister, who had been entrusted with her education by their dying mother, a third young lady of 21 years of age, at the request of her brother-in-law who stood in bad terms with her, and in contempt of a protest from her guardian, who had stood up as a witness for the defendants. This was done, in spite of all representations to the contrary, by officers of justice who employed brutal force, before the eyes of the crowd who had rushed near to witness the scene. Similar acts of violence were continued until they were stopped by a royal order of cabinet, which earnestly reproved them and compelled the court of wards — „whose proceedings did not deserve any consideration or forbearance“ — to return *in integrum* the persecuted parties as far as this was possible, seeing that the health of some of the persons concerned had been for ever undermined by these encroachments.

The congregations of the accused clergymen were also offended in their most sacred interests by these criminal proceedings, because not only the confidence in the authority ordained by God, which had always been fostered by Ebel's preaching, was shaken at bottom, but also because the separation from the church, which they had been falsely accused of, was, as it were, by the authority itself forced upon those who no longer found their edification in the temples from which biblical christianity had been expulsed as a heresy.

But not the congregations alone were torn asunder by the criminal proceedings, the effects of the same penetrated also destructively into other relations, and especially into *domestic circles*.

In many cases the fear of opposing imputations which were supported by some highplaced functionaries sufficed already to smother the sense of right in weak minds, and to change them into persecutors. And when moreover even the courts of justice — as may be seen by the acts — did not scruple to call to witness persons whose adverse dispositions were known to them, *against* their nearest relations, even children against their parents, and husbands and wives, brothers and sisters against each other, and to make them swear to their inconsiderate accusations, the disunion became irremediable. The most unnatural dissensions, which often caused the nearest of kin to pass each other without greeting in the streets, ensued and led to a hardening of the feelings, which made it frequently impossible to degenerated children and other offenders to turn back to their duty towards those, against whom they had so grievously sinned, by changing into their reverse the gratitude and respect which they owed to them. In this way the *disturbance* of the *peace* of families, which had been falsely imputed to the accused men and their friends, was effected in a much more powerful and extensive degree, *by fully destroying the ties of many families*.

The criminal proceedings also exerted a most pernicious influence on *publicity*.

The first excess of the press, in this respect, appeared already in the month of September 1835 in the local paper of a Prussian provincial town, in which the fable of the intended birth of a „new Messiah“, which was not supported by any of the accusations, was served up to the public. When the author of the „Elucidation“ sent this paper on the 27th of September 1835 to the Upperpresident, as the highest au-

thority of censorship in the province, with the request that such promulgations, which were contrary to truth, dangerous to morality and therefore a transgression of the laws on the press, should be warded off, the latter did not comply with it, but on the contrary, in his reply of the 30st of the same month, he made the strange assertion that „an offence against morals, in the sense of the edict on censorship“, was not contained in the said article, „because it could not be found in the reproof which was implied against an error dangerous to morality“, and that „the examination of the truth of the mentioned fact incumbered neither to the censor nor to the authority of censorship.“ This reply endeavoured therefore to *hide itself* behind that *in which the corpus delicti did not consist* — behind the reproof — whilst it intentionally overlooked that in which it consisted, namely, the blasphemous lie. Further it declined in a remarkable manner the investigation of the truth in a case where the falsehood was already established to the knowledge of the superior authority of censorship without further examination, since the acts lying in the office of the Upperpresident, and well known to him as well as to the appointed censor, counsellor of the consistory Kæhler, did not contain even an allusion to the aforesaid absurdity. Thereby the upper censor had now opened the way for protecting all loose tongues, so that even blasphemous, immoral lies — as if they did not contain an offence to morals — might be freely circulated, if the liars only „implied“ a so called reproof against the subject of their falsehood. By such a disposition on the part of the superior authority, corresponding improprieties on the part of inferiors may be easily explained, as well as the lascivious lies which have from that time inundated the public press under this administration of censorship.

The „Elucidation“ has exposed at large, page 136 to 140, how literature has been thereby infected, and how even historians have been seduced to transmit to posterity the most

revolting falsehoods concerning the accused persons and their friends. The two tissues of lies which have mostly contributed to pollute the press, an anonymous letter from Königsberg, of a most vulgar character, which was published in lithography in the year 1836, and a slanderous libel smuggled into a periodical publication on ecclesiastical history by the adoptive son of chancellor von Wegnern, have indeed received their deserved condemnation, the former already in the year 1836, by an order of cabinet from King Frederick William III, and the latter by a pamphlet by Hahnenfeld, which appeared afterwards under the title of „The religious movement at Königsberg in Prussia, etc.“; but nevertheless the poisonous seed scattered by them has not been fully cleared away, because Upperpresident von Schön, as it were in defiance of the royal command, suffered all the calumnies derived from them to be freely circulated, whilst he invoked the royal order of cabinet (the object of which was exactly the contrary, viz. the protection of the accused parties) in order to forbid a paper by Diestel entitled „an Examination of witnesses,“ which annihilated those lies, to be advertised in the papers, and he contrived subsequently to effect its prohibition.

Such a conduct affords a characteristic criterion of the standing-point which had been taken by the authority who had initiated the lawsuit, and by those who conducted it. If, without any doubt, the authorities were of their own accord in duty bound to refute, according to truth, false statements respecting the lawsuit and its judicial issue, the new law on the press of 12th May 1852 again reminded them of this obligation. Above all it would have been the official duty of the consistory of Königsberg and of Upperpresident von Schön, and at the same time it would have saved their own honour, to give publicity to the rejection of the charge of sectarianism, created and brought into criminal investigation only by their untiring malignant efforts, and the falsehood of all the

calumnies which had been invented and diffused in consequence of this charge, thereby silencing the afore mentioned excesses of the press. There is no doubt that this would have been done, and that the necessary refutation would have been circulated in every place whither the falsehoods had reached, if the question had been to destroy public lies concerning political or material interests, and not a religious persecution. But a sound notion of magistratic honour would exactly in this case have obliged the aforesaid authority so much the more, by an open avowal of its mistakes, or at least by an effective publication of the sentences which destroyed all the imputations, to avert the suspicion that impure motives had been at the bottom of so striking an event as *the rejection of all the accusations*, after a criminal lawsuit of seven years' duration. The most severe self-condemnation is to be inferred from the fact, that it has been possible to keep this result in darkness and to conceal it from the public at large — heedlessly leaving the reputation of the parties who had been unjustly persecuted to be continually abused in future, and suffering posterity to be infected with an unjustifiable mistrust of christian striving¹.

The neglect of this duty throws a sharp light on the part which has been taken unceasingly during several years by Upperpresident von Schön in the causes which led to this result highly compromising to him and to the consistory, and his agency has been manifest in all the stages of the proceedings here exposed. His operations for the demolition of the old and against the building of the new church of the old town, his ready admittance of talebearing at the assembly of the States at Danzig, the cunning use he made of the same

¹ The consequences of this neglect of official duty have extended even abroad and appeared yet in the year 1868 in the work of the Englishman Dixon.

and of the ensuing incidents to effect the contemplated accusation of sectarianism, the selection of a notorious adversary of the assailed party as spiritual judge of the case, his excusing the abuse committed by the latter of the contents of the documents of the consistory, with which he was acquainted in an official manner, the interest with which in the false report of 7th October 1835 the Upperpresident put the weight of his authority into the balance in order to obtain an approval of the rashly ordained suspension from office; the repeated abetment of immoral excesses of the public press, and several unauthorized and illegal intermeddlings with the inquest itself, which are yet to be mentioned in the sequel, — all these actions derive a double weight and importance from the silence maintained by this public functionary after the conclusion of the lawsuit.

The above mentioned active violation of official duty and the passive neglect of it in opening a broad way to lies and calumnies, instead of upholding the truth, have severely avenged themselves. The daring contempt of truth and the spirit of defamation which by this conduct have been suffered to inveigh against the sanctuaries of intellect and christian faith have been thereby emboldened to attack also the authority of the State. The fruits of this have already appeared and are a voice of serious warning. May these experiences not remain unprofitable, may they lead nations and sovereigns to the knowledge that the *outward* welfare of the individuals and of the whole State reposes on *inward* supports — on the respect and active observance of christian principles — which cannot be undermined with impunity.

CHAPTER III.

ILLEGAL MANAGEMENT OF THE INQUEST.

The *rash beginning* of the inquest had — as has been stated — reversed the position of the whole affair, and paved the way to the *illegal management* of the same.

The Prussian law, humane in its tendency, is not accountable for this. Besides the injunction contained in three different parts of the rule of criminal proceedings, inculcating with great energy to the judge of inquest, that he shall with equal care reflect upon ascertaining the innocence of an accused person, as upon establishing a misdemeanor, § 274, in order to give a firm direction to the judicial measures and to avoid mistakes, prescribes that: „the judge shall take into consideration the legal definition of the crime, the corresponding penal law and its several modifications.“

Notwithstanding this, nothing was done to establish the definition of the word „Sect“. Chancellor von Wegnern had indeed literally declared in a so called „authentic recapitulation“ which had been shifted into the hands of the authority: that the social circle here represented as an association „could not be considered as a sect. For to the essence of a sect belongs an express separation from the established church, and the members had never declared such a separation; on the contrary they had never ceased outwardly to profess their conformity with the church.“ Even the judge of inquest had expressed his judicial conviction, in an addendum to the protocol of denunciation of 24th November 1835, to the effect that, „to establish the fact of the existence of a sect, a complete separation from the ruling church was required.“ However these hints, which are confirmed by the linguistic signification of the word (sect meaning a separated portion), were not followed.

But nothing was able to stop the judicial measures. Instead of limiting the inquest, after having legally determined the characteristic features required by the notion of a sect, to the act of ascertaining whether these features were existing in the present case, the inquest was simply carried on upon these vague notions, and a search was made after any sign of a sect which could be found. The accusations reposing on malignant inventions, the inquest endeavoured to trace these phantoms and to find out a confirmation of them. The peculiar industry of the judge of inquest, who thought to enhance his reputation by this very conspicuous affair, left not a stone unturned in order to make the greatest possible noise. He thereby gave to the inquest an extension, which considerably delayed it, and he suffered himself to be led astray into a sphere, which was as unworthy of the importance of the subject, as it was of the dignity of the judicial office. A regular chase was begun throughout all the provinces of the Prussian kingdom, yea through almost all the countries of Germany, after imputations of any kind, and by this fury of accusation a tissue of gossip, such as certainly has never been witnessed in the history of German law, was brought together upon subjects, which often stood not in the remotest relation to the matter, to the accused persons, or even to their friends.

All the fables and fanciful inventions which had been collected in this way, were made the subject of judicial examination, even the occasion of swearing in witnesses, and so the attention of the public was kept on the alert all the time from November 1835 to August 1836. Idle loiterers did not neglect the opportunity of augmenting the materials which were thus offered to them with the inventions of a vulgar, wanton imagination, which a frivolous press eagerly preyed upon in order to publish them. No personal situation was spared, no consideration of decency, generally admitted, was respected; — the ties of kindred and all the social relations

of civil life were alike rummaged by the intrusiveness of criminal investigation.

All the efforts made by the accused and their friends in order to put a stop to these unworthy and illegal doings and to enforce the laws of right and reason, remained fruitless. According to the royal mandate: „to cooperate in ascertaining the truth in this affair,“ the author of these pages thought himself in duty bound to lay before the highest judicial authority a most faithful picture of the events which were going on under his eyes, and therefore, in a memorial presented to it on the 11th of June 1836, he exposed freely the illegal measures of the judge of inquest, as far as they were known to him at the time, concluding with the following warning, which has been only too well justified by the result: „The present lawsuit is unexampled in Prussian jurisprudence. I doubt that hitherto a criminal lawsuit, without legal form, has been carried on before a Prussian court of justice, or made the object of an unremitting inquest, without the criminal court knowing for what reason, to what end, and according to what rules and prescriptions the inquest was to be effected.“

„Whatever be the issue of the inquest, the honour of Prussian justice is in the highest degree compromised by the same. The fact, that it has been possible to Prussian criminal judicature to carry on such a lawsuit, in such a manner, concerning a matter in which all Germany takes the liveliest interest — this has been an enormous mistake.“

All representations of this kind remaining without effect, the inquest was continued without interruption in the same way. For the most part, the numerous requisitions directed by the court of inquest to other tribunals in the country and abroad, contained in the list of questions annexed to them, all the denunciations made by the accusers, so that these calumnies were spread about in all directions, almost maliciously.

By so doing the following legal prescription was transgressed: „The judge shall during the whole inquest separate the important circumstances from the trifling ones, in order to avoid time being lavished on the investigation of matters which are irrelevant to the judgment of the case,“ and „take heed that the inquest be not prolonged without any special use for the decision, by prolix and difficult perquisitions after remote indications.“

The deeds contain numerous proofs that these prescriptions have not been observed in this case.

In spite of a warning from a foreign judge that N. N. „knew indeed how to make loose reports“, but not how to adduce anything to prove „the lot of gossip“, the inquest was unduly extended by „prolix and difficult perquisitions“ after things which did not even deserve the name of „remote indications“; gossip for which the acts contained no motive, for instance about persons who were said to have gone mad in consequence of christian convictions (which proved to be a malignant lie) etc., was made the subject of repeated discussions; — public report, which the law permits to be taken into consideration and inserted into judicial records only when coming from trustworthy individuals, and after a sound examination of its origin (vid. „Elucidation“, p. 167 sq.) appeared repeatedly and multifariously in the acts, and heedless of the above prescriptions, was made the object of circumstantial correspondences, and even of swearing in and examining witnesses; — statements bearing the character of technical judgments (vid. „Elucidation“, p. 169 sq.), which the law permits only to competent experts and on technical matters, but which it does not admit at all without logical foundation, were required and admitted from quite unqualified individuals on inappropriate subjects and entirely without logical connexion; — documents, which the law entitles the judge to exact „only when they have an influence on the inquest and the decision“,

forbidding at the same time any prying into „private secrets“, and providing that „only that which is required for the decision of the matter be inserted into the acts, and also that documents of that description be secured against abuse or mere curiosity“ — were collected on record from all sides, with complete disregard of this prescription, and even words and sentiments interpolated in letters which contained nothing of the meaning thus given to them, etc. etc. (vid. „Elucidation“, page 175 sq.).

According to law, witnesses must be examined „only upon real facts which they have perceived or experienced with their senses“, and not on their subjective judgments or opinions. In opposition to this prescription (ibid. p. 182 sq.) the acts contain amongst others, a summons of 9th February 1836, in which, with the assurance that no prejudice to him „can ensue from it,“ it is imposed as a duty on a witness to mention in his evidence even his „suppositions, opinions and judgments.“ And in a decision of the criminal Senate of the 6th of the same month, a witness for the plaintiffs who had complained, wrongly indeed, that a letter of another accuser had been exacted from him, was apprized „that this case was deviating from the usual criminal proceedings, because it concerned not facts only, but also principles and opinions.“ So an illegal motive was alleged, whilst the complaint ought to have been repulsed on the legal foundation that, the said letter being suspected to contain an agreement respecting the evidence which was to be given (which afterwards indeed proved to be so), it possessed an influence on the credibility of the witness, therefore also on the decision of the matter, and that for this reason it ought to be laid before the judge according to § 305 of the rule of criminal proceedings.

Similar decrees made the witnesses for the plaintiffs bold to charge with their opinions the opinions of others, and the deeds are filled with such matters.

Respecting the *credibility of the witnesses*, which is here so highly important, the law ordains that it shall be carefully sounded (ibid. p. 185 sq.). This implies, if the prescription is not to be entirely illusive, the abatement and even annihilation of their power to prove, when this examination turns out unfavourably. Notwithstanding this, in the present instance a witness for the plaintiffs, who, according to a required official certificate, „was not esteemed by respectable persons, and on the contrary avoided and fled by them on account of his opinions, his conduct and the impudent scandal he had given,“ was nevertheless admitted to give valid evidence on matters which require a pure moral comprehension. But with regard to one of the most rancorous accusers, the judge of inquest compromised his judicial integrity to such an extent, that he addressed to four colleagues and friends of the same an invitation „to explain themselves upon his moral character, in order to oppose the objections which had been made against his credibility.“ (!) By this plot, which the judge arranged with witnesses, his illegal intention to protect an accuser, who had been moreover convinced by his own writings of the most despicable and even partly punishable conduct, is authentically established, and this unallowed behaviour is crowned, likewise in the acts, by a characteristic effusion of his anger at the word „accuser“ being correctly applied to the same party, to the following almost ludicrous effect: „The word accuser, by which professor Sachs is designated, is, according to the meaning of holy writ, synonymous with Satan, calumniator, adversary, devil, evil spirit, fiend, prince of hell, Beelzebub and serpent.“ With this sentence the whole accusation, which must needs have an accuser, was therefore at the same time banished by the judge of inquest into the pit of hell.

The ancient mode of proceeding, according to which every thing was done in writing and the judge was deprived of

the personal sight of the accused and the witnesses, left him no other means of obtaining anything like a lively impression of the matter upon which he had to pronounce his judgment, than the examinations. These therefore especially required the laying aside of everything not directly belonging to the matter, and that scrupulous accuracy and honesty, which knows how to understand and view the expressions and statements of the party examined according to truth, to make complete abstraction of the subjectivity of the person who conducts the examination, and so to unfold the real and matter-of-fact-state of things as purely and sincerely as possible before the eyes of the judge.

For this reason the law forbids to perplex the accused with immaterial questions, irrelevant to the notion of the misdemeanor which forms the object of the inquest. But in the present case all the anomalies of the accusation were burdened upon the accused parties for refutation, without previous definition of the „sect“ denounced, which drew them into an entirely heterogenous controversy with their accusers, and even with the judge of inquest himself, who at times displayed a propensity to theological and philosophical discussions, which was altogether inconsistent with legal proceedings.

Ebel was even invited „to explain himself conscientiously and fully, as to what he considered as true in the system or doctrine of Schoenherr, after the philosophical investigation he had made of it,“ or in other words, to dictate on record, at the bar, without preparation, his whole philosophical persuasion. He was even obliged to suffer himself to be examined for several days upon letters which were written neither by him nor to him, and which therefore were, as far as he was concerned, quite indifferent scrips, and which moreover had not been submitted to their author for recognition. After the reception of the theological judgment framed by the consistory of Magdeburg, that of Königsberg having been challenged on

account of its inimical disposition, the judge of inquest went even so far as to attempt to begin over again the whole inquest, dragged on already for a year and a half, and to examine Ebel upon the special points of the judgment, without communicating to him the full contents of the same. Ebel saw himself therefore urged by his conscience to an energetic protestation: „According to my knowledge,“ so he declared on record on the 10th of April 1837, „the rule of criminal proceedings has by no means made provisions for an inquest which lies in the domain of philosophy and theology; otherwise it would have acknowledged that subjects of this kind are not suitable for inquisitorial proceedings. When the said rule commands to answer the questions of the judge distinctly and completely, it can have in view, and indeed has in view, nothing but facts, which belong to this forum and can alone belong to it. But in the domain of my private conviction (as which Schönherr's theory must be acknowledged according to the acts) — in this domain purely philosophical and theological, it would be unfair and illegal to exact explanations which a man of science can give only from his study; the more unjust, yea, according to my inmost conviction, impossible to require them, since I find myself in fact incapable to reply ex-tempore to questions which can only be answered in a satisfactory way by dint of calm reflexion.“

But the inquisitorial zeal of the judge nevertheless insisted in virtue of an alleged right of the judge of inquest and obligation on the part of the accused, and the latter obtained with difficulty a respite of twenty four hours for consideration, after which he declared: „In the first place it is quite impossible to give an explanation and answer upon isolated points, ex-tempore and without knowing the conjunction of the whole. The scientific standing-point of the adversary, the point of view from which he judges the object, the peculiar arms with which he fights, must, as an indispensable

previous condition, be known and seen through to their full extent, if they are to be opposed properly, and for this purpose the whole battlefield must be laid open, or in the present instance the judgment be communicated in its full contents. This alone suffices to justify my refusal, even if I would prescind from the quietness and calm collection which are required in order to consider and refute the objects in question. Therefore, in the eyes of any impartial person, I may appeal to my declaration of yesterday, on the foundation of truth, as to a just one."

"But further, I may also add to day, to what I have already declared yesterday, that the thing exacted from me is legally inadmissible. The judge of inquest himself has declared last summer, when Revd. Diestel wanted to add something *for our defence*, — he has declared in this room — that it was not necessary, that we were justified, and our adversaries fully refuted. Wherefore then should an inquest yet be made on a subject which is exalted above judicial decision, and can be deferred only to God and my conscience?"

"And herein is then also implied, that it would be unworthy of the sacred cause which I represent, and of the court itself, which I acknowledge as my superior authority instituted by God, if the latter should attempt to establish a trial of inquisition."

"Moreover I must consider the judge of instruction (whatever esteem I entertain for his person in other respects) as altogether incapable of discussing purely scientific and theological subjects. Should he nevertheless maintain, as he did yesterday, that he wanted not to confer with me on such subjects, but on facts, it remains obvious that the question at issue is not a matter of fact, but a system of philosophical opinions, the truth and justice of which I have undertaken, with God's help, to defend before the whole world."

„I have resented with deep grief,“ so he says farther, „that whilst the communication of the religious instruction of captain von Larish, made up according to my conversations, has been denied me for even a single day at my house (though I might well be allowed a careful perusal of writings, upon which I am to be examined), it has been sent to my calumniator and adversary von Tippelskirch with the questions: „1stly, whether these be the doctrines which were taught in the circle? 2dly, in how far they are in accordance with the doctrines of the church?“

„On account of these circumstances, as well as of the nature of the matter in general, I find myself in my conscience obliged to refuse the claim laid upon me, as a perfect impossibility.“

Although the judge of inquest attempted to vindicate himself in a long refutation of this declaration, he could not deny the facts laid to his charge, and he was obliged to desist from his demand, because a disposition of the President forbid the continuation of this inquisition. Ebel had namely personally informed president von Bæhr of the same, and declared, that his conscience did not allow him to comply with this illegal exaction, and that he would never allow objects of his philosophical and christian convictions to be drawn into judicial discussion, and thereby exposed to misconception and misconstruction, as had been attempted to be effected in the last audiences; and that he would explain himself in answer to the judgment of the consistory of Magdeburg, only in writing and after having been made acquainted with it in full. In consequence of this, the president had acknowledged the justice of the legal principle (condemning the inquest itself) according to which a criminal inquest is not the proper field for the decision of philosophical and theological opinions, and put an end to this inquisitorial pretension.

The law forbids further „all suggestions“, i. e. questions, „already containing the circumstances which ought to be ascertained by the answer only“, and all „captious questions“, i. e. questions „by which the party examined could be induced to say more than he intended, or by which he might be led in error or confusion.“ But all the questions addressed to the accused, as well as to the witnesses, were full of suggestions and of captious matters.

It is obvious that under these circumstances the deeds were made a wrestling-place for passions and private enmities, and filled with a heap of trifling statements unworthy of the serious character of justice. Many subjects for inquiries bordering on the ludicrous were drawn up in long lists, and sent in all directions to tribunals and witnesses, even to foreign countries, and in consequence of it variations of the same themes came also into the deeds.

Whilst the law prescribes that „the statements made by witnesses shall be written down faithfully and fully, and as much as possible in the witnesses' own words, in the first person“, many witnesses were sworn upon written evidences and even upon written statements drawn up by other individuals, and in general a frivolous sport was made of the sacred act of swearing; so, to cite only one of many examples, an answer upon oath was required from a witness to the question: „whether seven persons designated by name, had been the seven candlesticks mentioned in the Revelation of St. John?“

Besides, in spite of the express warning given by Diestel, all the accusers were sworn so rashly, that the ensuing inquest ascertained the falsehood of many of their asseverations (vid. „Elucidation“, p. 196 sq.).

Therefore also in this respect the law was not accountable for the scandal which was occasioned, and for the pernicious consequences of it, but only the transgression of the same.

The confrontations (i. e. the putting in presence of each other two persons who have made at the bar contradictory statements respecting one and the same object) were conducted with the same levity as the swearing in of witnesses. Whilst the law permits the confrontation of accusers and accused only in „peculiar cases“ and when it is quite indispensable to the discovery of the truth, in the present case confrontations of this description were ordained eight times, without these legal exigencies, although under existing circumstances a result could not be expected from them, and moreover their necessity could not yet be thoroughly established, since they were effected at a time when the inquest had either just begun or was still in full course. (For further particulars on this point see „Elucidation“, p. 201 sq.) Besides the confrontations of witnesses teem with illegalities. Most impressive instances of the striking difference made during the whole inquest, as well in the confrontations as in the examinations and *non-examinations* of witnesses, between those for the plaintiffs and those for the defendants, in favour of the former and to the prejudice of the latter, are given in the „Elucidation“, p. 208 sq. and 215 sq.

To the partial favouring of the accusation corresponded the *illegal rescription of the defence*. The latter manifested itself on every occasion. Time and money had been lavished in an unwarrantable manner, in order to give entrance into the deeds even to the most contemptible gossip, as so called accusations against Ebel and his friends — even against individuals who did not belong to them, but knew Ebel only from his writings and sermons, and agreed with his principles. But when the accused claimed their right, founded upon law, to argue their defence by refuting individually these statements which defiled them against right and reason, time and expense were pretexted in order to oppose their demand by means of an exchange of writings, which cost more time than the com-

pliance with it would have required. The ingenious complaint which escaped the judge of inquest in several documents, „of the hard duty imposed upon him to ascertain not only the guilt, but also the innocence of the accused,“ leaves no doubt as to the motive of this transgression of the law, and as the criminal senate shared this aversion and manifested it, if not in so distinct words, at least in fact by its negative decision, yea even gave up for decision without any control to the judge of inquest, against whom it was directed, a wellfounded complaint of Diestel, remonstrating against the faults of the inquest, it was natural that this inquest, as well in its conclusion as in its management, should serve as a model of what a criminal inquest ought *not* to be.

With regard to the last stage of the criminal proceedings, the defence itself, the law leaves to the accused the choice between delivering himself a memorial of defence, or causing it to be written by a professional advocate. The more even this choice was rendered difficult to the accused by the unfavourable disposition of the mighty of the earth, because the greatest part of the lawyers stood under their influence, the more obvious was the protection of a higher power, since exactly at that time a man was transferred to Königsberg as an attorney-at-law, who, having lived formerly in a distant province, was, on the one hand, a complete stranger to the circumstances and individuals involved in the inquest, therefore less exposed to the said influence, and on the other hand also endowed with the necessary intellectual and scientific capacities, to comprehend soundly and thoroughly a subject of so great importance. This man was Uppercounsellor of the country-courts Crelinger, who is wellknown as a skilful lawyer, and who died in the year 1853. The unexpected appearance — as it was to be considered — of this person quite neutral with regard to the matter in question, was a hint to the accused to intrust to him their defence. And though it appeared

afterwards that Crelinger, during his former residence at Breslau, had been already filled with prejudice *against* the affair and the persons concerned in it, nevertheless his whole conduct proved that he had discerned the state of the matter according to the truth, that he had rectified his previous judgment from conviction, and that the confidence placed in him was justified. This and his whole position with regard to the matter may best be seen from his own words, in a letter to a person from Königsberg living at Halle, Counsellor of the court Dorow, to whom he answered as follows questions which had been put to him on this subject in the year 1845. „Allow me firstly to observe that the said invective (*Mucker*) owes its origin, as far as it has made its appearance in public, more especially to a lithographed letter published in the year 1835 and full of the most revolting insults, in which the persons „concerned“ have been confounded with a party affecting the devotion of a dead orthodoxy. In the acts of the criminal lawsuit against the clergymen Ebel and Diestel this invective has not found a place, neither has it been attempted to subject the concerned persons to an inquisition upon it. The afore mentioned lithographed letter was circulated through Germany. It came to my own hands at Breslau during the winter from 1835 to 1836. When, in the spring of 1836, I entered on my official position here at Königsberg, the latter brought me into a close connexion with the very individuals who had been so severely assailed.“ — „It would be wrong to conceal from you that the opinion with which I considered them, under the undeniable influence of the said lithographed letter, was, to say the least, not unprepossessed and, in truth, full of prejudice and very unfavourable. But how differently was I impressed by the character of these individuals, who had been lavishly designated by the collective name of a „sect“! I found them anything but devotees or „mucker“, and on the contrary in every respect well inclined to intellectual

and moral progress. Above all they showed an openness and love of truth which particularly manifested itself when, in my capacity as legal defender, I advised as necessary to attain certain objects, an omission or a not thoroughly accurate exposition of certain circumstances — which at the very least was not otherwise illicit — a love of truth, which could not even be repressed by my representations of apprehended legal disadvantages, and which was upheld in spite of real dangers. The practice of an advocate naturally obliges him to a certain caution, and makes him a rule of it in the management of the business intrusted to him, — a mode of action approved and even desired by almost all parties concerned. Therefore I could not but be surprised to meet with such a heedless love of truth, which I have found but seldom with persons generally acknowledged as blameless and righteous, and never in such a high degree as here. I may well add, that this inspired me with the highest consideration and esteem. — On entering more closely into the matter at issue, I soon perceived that the unflinching principles of the said individuals could not but provoke resistance and hostility on all sides, but more particularly on the part of a party, at the time emerging into existence and now unfortunately standing in full bloom, which sought to compensate the want of spiritual and moral worth and elevation, by so called christian sentences and a degrading sport made with religious objects, and which in the years 1835 and 1836 availed itself of a combination of different circumstances in order to initiate the wellknown inquest. It is not improbable that the above mentioned lithographed letter, which went round through Germany, emanated from this very party.“ „Finally you want to know, whether a judicial decision has been pronounced at all? This question must be answered in the affirmative. Already in the year 1842 the second and last sentence has been passed by the Senate of appeals of the supreme court. The result has

been the simple dismissal from office of the two clergymen, because the court would not agree with their philosophical opinions on religious subjects, and so in truth an „inquisitorial condemnation“ was ordained over them, which was, at the time at least, an unexpected event and directly opposed to the religious and intellectual liberty guaranteed by the law.“
 „A mode of proceeding which takes the inward opinion of the accused as a foundation for pronouncing a penalty, cannot be called anything else but a persecution.“ . . . „On the other hand, the accusations about having founded a sect, and the immoral reports spread about among the public have been declared by the court to be utterly destitute of foundation, and in the second sentence the extravagances of the press in this respect have been severely censured. This has been brought to public knowledge in an article contained in the universal gazette of Leipzig, 1842, N. 80. You see by these simple answers to your questions, that this affair is one of those which lay a well justified claim to interest for the sake of right and truth.“

Relating to the course of the business itself, the accused, if they did not designate by name a defender, were given by two dispositions of 2d and 6th June 1837 only a delay of *four weeks* to tender their memorial of defence, and by the disposition of 16th July 1837 only a *fortnight*. This injunction implied almost a satire on the legally admitted *favor defensionis*, for, as the judge of inquest ought to know best himself — the allotted time was *hardly sufficient to peruse rapidly* the immense bundle of documents. — Upon this the accused declared that they had selected as their defender Upper-counsellor of the country-courts Crelinger, and in consequence all the deeds were forwarded to the latter according to prescription, in order to elaborate the defence. Although the legal defender succeeded in procuring for himself more time than had been allowed to the accused for this purpose, he had

nevertheless to struggle many times with the authority who conducted the inquest, the materials which he needed for his task being granted him either not at all or not at the proper time. Moreover — notwithstanding the enormous labour burdened upon him to bring order into such a confused mass of documents and to extract from them a composition thoroughly sifting the matter to the point — admonitions and threats of fines came thick upon him, as if the restriction of the defense should, up to the end of the inquest, appear as the principal tendency of the same.

THIRD PART.

Results of the prosecution.

CHAPTER I.

UNMASKING OF THE ACCUSERS AND THEIR WITNESSES.

TO the results of this lawsuit, which materially affect the importance of the same, belongs in the first place the light which the investigations have thrown upon the *incredibility of the accusers and their witnesses*. It has been already mentioned that the former have been admitted as witnesses of their own accusations, contrary to law and justice. But even this transgression of the law has done less harm to the cause of truth, which can never suffer essentially from falsehood, than to its enemies, since it has become the means of discovering and laying bare the originators of the lawsuit in their real character.

This has been effected in three different ways; above all by their *own conduct* and *the unsuccessful defence of it*, contained in the sentences, further by the *assertions of the witnesses in favour of the defendants*, and finally by comparing, according to authentic data, the *incredibility of the witnesses for the plaintiffs* with the *credibility of those, who appeared for the defendants*.

Respecting the *value of evidence*, the Prussian law gives the force of a full proof only to *two unanimous sworn evidences*, elevated above all objections; it provides further that the assertions of *several suspicious witnesses never* of their own accord *constitute a full proof* against the accused person, and that „in case of contradiction between equally credible witnesses for the plaintiff and for the defendant, the assertions of the latter are to be made the foundation of the judgment.“

The seven principal witnesses for the plaintiffs, having been mentioned by their names in both sentences, with an attempt to justify or at least to excuse by dint of false argumentation their conduct which, according to the deeds, is in part suspicious, in part openly punishable by law, this same method will afford us the means of judging both that conduct and the vindication made of the same.

The first person named in the sentences and defended as a so-called witness for the plaintiffs is count Fink, who has been designated in these pages as *first delator* or denunciator. The authors of both sentences refuse to admit the designation of *delator*. But the intention of bringing *before the very authority*, which could inflict the greatest harm upon the accused parties, the greatest possible amount of serious accusations, appears from the whole conduct of this man, in taking advantage of the opportunity afforded to him by the action for insult against Diestel, to slip, as if unintentionally, into the hands of the competent criminal authority, his letter to Miss Zéline von Mirbach, which was full of imputations. When there-upon the matter was forwarded to the consistory, according to prescription, the president of the latter, von Schœn, who had been prepared before-hand, was enabled to make use of it, in order to exact from the delator the necessary materials to bring about an interference against sectarism, which he longed to effect, and thus an opportunity was given to Fink, to obtain official access for his imputations, under the patronage

of the Upperpresident and of the commissary of the consistory, who seconded him. By means of violent protestations against taking upon himself the part of a *denunciator*, he succeeded in being designated as a *witness of his own assertions*. However the arguments adduced in the sentences, in order to avert from Fink the name of a denunciator, were erroneous according to law and according to the contents of the deeds (vid. „Elucidation“, p. 288 sq.).

But above all, the afore said so-called witness has shown his tendency, which was not only accusatory, but decidedly malignant, by his whole conduct during the inquest, and by his strenuous efforts to cause the affair to be carried through to the detriment of the accused persons. Not content with having brought the matter before the authorities, he reported on the 24th of January 1836 to the judge of inquest the exertions which he had made in order to induce his fellow-denunciators, who lived out of Prussia, to come to Kœnigsberg, and to lay their accusatory assertions before the court of inquest.

On the 20th of February 1836, Fink begged, that the written answers made to his statements by the accused parties be communicated to him, „in order to enable him to adduce still many more proofs against them.“ Therefore he did not content himself — like an ordinary denunciator — with leaving to the judge the further investigation of the alleged misdemeanor denounced to him, but he sought to keep the matter into his own hands, in order to lay every possible stress upon his accusation and to support it, if necessary, by new delations.

Subsequently on the 24th of March 1836, Fink delivered *of his own accord* a comparison between the ideas of his fellow-denunciator Olshausen and the alleged opinion of Ebel, by which he tried to make up for the deficiency of matter-of-fact foundation in his own accusations.

On the 24th of April 1836 the denunciator even suggested to the judge of inquest, that it would be advisable to examine the witnesses in favour of the defendants „only after whitsuntide“, because, according to his ridiculous supposition, „they would then be dejected, and their examination would therefore be more fruitful.“ This „witness“, who boasted of his impartiality, was therefore so much intent upon availing himself most *fruitfully* of the *dejection* he had dreamt of, that he did not hesitate to demand of the judge of inquest a downright illegal plot against the accused persons. For if the alleged dejection had existed anywhere else than in the fancy of the accuser, the consequence of it ought to have been exactly the reverse, since, according to law, no witness is allowed to be examined in a state of mind not quite natural and unconstrained.

On the 1st of May 1836, Fink invited the judge of inquest to his country-seat, in order to be examined by him there with his wife and his brother-in-law Tippelskirch, and he alleged as a motive for this the fatigues of a journey to Königsberg, and the „perfect confidence“ which he entertained „in the person of the judge of inquest.“ He concluded with the remark, that in his dwelling „also many accessory circumstances and matters connected with the object of the inquest and calculated to give more evidence to the facts, might come out, which in another place would not occur to them.“ (!!?)

On the 1st of June 1836, in the course of an examination, Fink brought forward as an accusation against Ebel, that the latter had advised him to read „Schwarz's Ethik, a book in which, page 365, is discussed the question whether there exists any lie justified by necessity.“ By this alleged recommendation of the work of an author, who enjoys the most honourable reputation (Counsellor of the Church Schwarz at Heidelberg), Fink attempted to prove the existence of a so called „system of lies.“

Certainly all these authentic facts ought to have convinced the judge that, according to law and reason, this delator, whom the defendants correctly called *an accuser*, had no claim whatever to the title of *a witness*, which was inconsistent with his open partiality and with his obstinate persistence in the pursuit of the accusation.

After all these incidents, which are to be found in the deeds, it was in the highest degree surprising to see the first sentence assert: „that a particularly inimical intention on the part of this witness against the accused parties could not be traced anywhere“. And nevertheless, the impression of this enmity had obtruded itself so much on the mind of the pronouncing judge, that he stated, „that after the separation of this witness“ from Ebel „their relations had taken a more hostile character“, he mentioned the „most brilliant testimonies“, which Ebel had received „not only from his friends, but also from his enemies“, and among the latter he named count Fink and counsellor of administration von Hake; finally he plainly called the witnesses for the plaintiffs „inimical witnesses.“

The second sentence also endeavours to deny, under void pretences, the enmity of the said accuser, which appears so clearly from the above mentioned facts, although the law expressly declares, that offences, such as he had committed in the deeds against the accused persons, are a sufficient motive for supposing an enmity. Moreover the deeds establish, that this so-called witness, being confronted with Ebel, has been obliged to modify, and partly to retract altogether, three assertions which he had formerly made upon oath — a fact which the sentences not only omitted to notice, but in one instance even endeavoured to represent as quite harmless, at the same time concealing the circumstance of the oath.

This may suffice here to describe the character of this denunciator. Further particulars concerning him are to be found in the „Elucidation“, page 233 sq.

The first delator's wife takes the next place among the witnesses in support of the accusation, who are named in the sentences. The credibility of this lady is entirely destroyed by the unsuccessful defence of it contained in the sentences; and the „Elucidation“ gives besides at full length many proofs against it. This witness had namely recited word for word, not excepting two faults of grammar, a statement filling almost three folio-pages of the deeds, which her husband had made five months before, and both sentences endeavour to explain this most suspicious circumstance by pretending that the judge of inquest had laid before her the evidence given by the latter, and that she had accepted it as her own. But the record of the examination contradicts this assertion, for it establishes that the evidence of her husband had by no means been shown to her, and that, on the contrary, she had accounted for the aforesaid literal conformity by an express asseveration to the effect, that she had „recollected as exactly and carefully as her husband“ the conversation reported in the said evidence. It is therefore obvious that the apology contained in the sentences, however involuntarily, accuses her of perjury, thus bringing against her a heavier charge than the legal defender himself, who merely accused her of having learnt by heart her husband's statement, and falsely given it as her own.

The third witness declared credible by the sentences, Counsellor of administration von Hake, has been characterized in the first sentence, by a mention of the fact of his having seduced two young ladies, the one „in his own house, where she was governess of his daughters“, the other „under promise of marriage“, and the second sentence also refers to these circumstances. Besides, both sentences, — the second indeed in a very inaccurate and forbearing manner, so as to spare this „witness“ as much as possible — quote the certificate of the respective superintendant, dated 3d February 1836, and already alluded to before, which amongst other things declares

textually, that the writer „has never known any man whom he had been obliged so much to avoid and to shun, on account of his opinions as well as of his conduct, and on account also of the disgraceful scandal he had occasioned,“ that it was impossible for any respectable and honourable person to put any trust in him.“ According to the sentences, all this „ought to remain without influence whatever on the credibility“ of the witness. Nevertheless even the sentence was obliged to confess that this so called witness had *obviously forgotten* a circumstance to which he had *sworn*, though he had most solemnly declared that he had a keen perception of the conversation relating to the subject, and a fresh recollection of all the particulars of it“ (i. e. a conversation with Diestel, in which the matter in question was said to have occurred). — In this manner the authors of the sentences themselves most effectually undermined, by their illegal defence, the credibility of the witnesses whom they so strenuously endeavoured to support.

With regard to the accuser mentioned in the second sentence as the fourth „witness“, professor Sachs, Dr. Med., the contents of papers written in his own hand, and by which he had compromised himself most seriously, by confessing that he had abused the confidence which he enjoyed as a physician, to commit several immoral actions, a part of which was, even punishable by law, and that he had been guilty moreover of various gross falsehoods, were to be neutralized, according to the sentences, by a pretence invented by the accuser, and certainly never admitted before by any lawyer. Sachs was namely impudent enough to allege that the said writings had been exacted from him „by force“, although he knew himself to be innocent of the offences confessed in them. That this individual, finding himself unmasked before the court by the presentation of his own undeniable handwriting, seized on such a straw in order to escape from an avowal

of his shame, may be explained psychologically; — but it remains incomprehensible how a judge, in the act of passing a sentence and in an official document of great importance, dared to take his stand upon such paltry stuff, especially if we consider that his duty to truth and justice especially commanded him to tear the mask from the face of a false accuser.

But the contents of the aforesaid papers written by Sachs were corroborated and confirmed by four witnesses, who upon oath and from their own experience gave evidence to facts similar to those related in the papers, — a circumstance which cannot be erased from the deeds by the dictatorial decision contained in the second sentence, stating that „these evidences do not prove an immoral conduct“, though the author of the sentence does not venture to maintain that the actions alluded to were not immoral. With regard to their value as proof these evidences were entitled to the greatest consideration on the part of the court, because their conformity with each other and the confirmation which they afforded of the actions confessed by Sachs himself in his writings, can only be explained by their being true, and therefore they greatly enhanced the weight of the latter. Moreover this accuser had openly manifested his enmity towards the defendants by a paper, called by him a „psychological essay“, which he spontaneously delivered on record, and which was illegally admitted into the deeds. The legal defender, Crelinger, speaking of this paper, said that „it exhausts every thing that shamelessness and malignant cunning were capable of inventing to produce a caricature of the accused persons and their friends, but that it contributes at the same time to the knowledge of the human mind by confirming the psychological experience, that wickedness and passion are always attended by stupidity.“ Crelinger supported this assertion by showing the vulgar character of the falsehoods contained in the paper alluded to, as well as their disaccordance with the deeds; he proved moreover that

this „libel“¹ was not only self-contradictory, but contradictory also to evidence formerly given by Sachs himself. (Vid. „Elucidation“, p. 246 sq., where this witness is described at full length.)

A criminal court declaring such an individual to be a credible witness, is, to be sure, an occurrence new in the practice of law, and most surprising indeed after all that has been said before. In order to vindicate himself, Sachs had confessed that, not in momentary excitement, but in writing and therefore deliberately, he had avowed most abominable actions, of which he knew himself to be innocent. His own words therefore expose him as a man, who had so little regard for truth and for his own character, as to consent to a grievous lie resulting in his own shame and disgrace. This argument may be reduced simply to a paradox, by which Sachs was declared to be a *credible witness*, because he had been a *liar*.

Revd. Monbilly, whom the sentences mention as the fifth witness, is declared by both to be „perfectly credible“, though (vid. „Elucidation“, page 256 sq.) he owed his escape from swearing to a falsehood only to the appearance of a correspondence of which he had misstated the contents, and though he had made at the bar an assertion, which by full legal proof was afterwards ascertained to be „to say the least, a malignant lie“. Therefore this man was known as a liar to the two judges who had taken an active part in his examination; they had made various experiences of this fact in performing their official duty, and it was legally established in the deeds.

Under such circumstances nothing could be more unexpected than what really took place: the sentences, namely, did not shrink from praising this witness as „scrupulous and sincere.“

¹ This is the document upon which Dixon has pretended to take his stand.

Next to him the second sentence mentions F. von Tippleskirch, ci-devant chaplain of embassy, and his want of credibility being most evident, very great efforts are made to support him.

The judge of inquest himself had told to the friends of the defendants, that he had been made aware very soon of the consequences of having admitted this accuser as a witness. On the 24th of June 1836, Baron von Heyking, having been summoned to appear in order to be confronted with Tippleskirch, was received by the judge with these words: „Just imagine that we have yesterday discovered a perjury.“ Baron von Heyking reported this himself to the author of this book immediately after the examination. How much the judge of inquest was, at the time, affected by this fact, is shown by the earnest and even violent expressions with which he upbraided Tippleskirch with it, in the very record, reminding him of his oath. Nevertheless he admitted Tippleskirch's excuse; and his impudent and shortsighted allegation, that he (a clergyman in orders) „had never had any occasion for judicial accuracy“ (!!!) was considered sufficient to let him escape. In the sentence the incorrectness of the asseveration alluded to is explained by a lapse of time of more than ten years laying between the declaration and the events to which it refers; but the judge, who made this explanation, did not heed that he compromised his own integrity. This pretext might indeed have been applied to a want of recollection, but in no case to the invention of false accusations; moreover it is invoked in favour of the accusers only, and never in favour of the defendants, in order to debilitate the accusations. The extraordinary nature of the latter, however, and the contrast which they presented to the whole conduct and character of the defendants, must have impressed any unprepossessed with the feeling that they originated in falsehoods, if not certainly, at least most probably. Moreover the deeds contain a letter of Tippleskirch, dated 8th October 1825, which refutes

in point all the accusations put forth by him at a later period; a circumstantial demonstration of this will be found in the „Elucidation“, p. 259 sq.

The second sentence, in speaking of this accuser, *who stands condemned by himself in the deeds*, does not hesitate to say that „he has shown great conscientiousness at his examinations“. After the facts which have just been related, this assertion is a bitter satire upon the conscientiousness of the man who could write down such an untruth refuted by the deeds, in an official document signed and sealed by a Prussian court of justice.

The seventh and last witness in support of the accusation named in the sentences, and whose credibility is defended therein, is professor Herrmann Olshausen. His enmity towards the defendants, repeatedly manifested in print, was notorious; the judge of inquest had attested it himself by several remarks made with his own hand in the deeds, and he had attested also Olshausen's equivocal character. It was impossible to avoid taking any notice of all this, but the concession made to the defence by acknowledging the want of trust of this witness was only apparent, for it was nevertheless endeavoured to make the greatest possible use of him in support of the accusation.

The author of the sentence was obliged to confess that „it was plain that Olshausen in an article (in the *Christoterpe*) had obviously stood up as an adversary of Ebel and his principles“; he stated further, that this „witness“ in his accusatory zeal „had often gone beyond the mark, and repeatedly asserted things which he was unable to maintain on closer and more deliberate examination.“ But in spite of this it was alleged „that there existed no reason to consider him as absolutely incredible“, and „also that it could not be affirmed that he was personally inimical to Ebel and Diestel.“ The distinction that a witness of whom it must be granted that

he had „*obviously* stood up as an *adversary*“ in letters and printed papers, was nevertheless *not* personally inimical to those whom he sought to deprive of office and honour by private and public means, indulging in the exaggerations and false assertions admitted by the sentence, is certainly new and has never indeed found a place in a criminal judgment.

It needs no further comment, to elucidate the fact that the seven accusers and witnesses in support of them, whom the sentences endeavour to protect from the objections made against them by the accused persons and their legal defender, stand unmasked as *witnesses, most exceptionable according to law and morality*, as much by this very unsuccessful defence, as by their own assertions false and self-contradictory. Moreover, the most important circumstance (proved by the deeds) that, at the time of their separation from Ebel, all the accusers knew nothing of the most hateful and conspicuous charges which they brought in afterwards, and that they came forward with them only after an interval of several years — which indicates that they have invented them at a later period, in order to support their accusations — has struck in a high degree the judge of inquest as well as those who had to judge the matter technically and judicially. Nevertheless the sentences make every possible effort to remove the suspicion naturally arising from it, employing to this effect pretences, which the accusers themselves would never have dared to allege. In opposition to this verdict of worldly judges, which calls to mind the words of the Bible, Zechariah 5, 3, stands with awful earnestness the judgment of God, which even upon earth has befallen already the greater part of the accusers and of the witnesses who supported them and who are so warmly defended in the sentences, and which has even reached many persons who took a more remote share in the persecution. We refrain from giving publicity to particular facts in

this respect, but we hope that this hint will be sufficient to exhort to serious reflexion.

The „Elucidation“, page 297 to 306, explains psychologically how the accusations originated and were gradually developed in the minds of the accusers.

In addition to the aforesaid individuals, the „Elucidation“ points out a number of witnesses for the plaintiffs who were equally incredible, according to law, and whose evidence was nevertheless admitted as proof by the sentences.

But the witnesses in favour of the defendants were treated exactly the reverse. As the sentences refused to admit *against the credibility* of the above mentioned witnesses *any of the motives* established by the deeds, so they are, on the other hand, inexorable in refusing to *acknowledge any* of the *circumstances* also established by the deeds, *in favour of the trustworthiness* of the others; — as they indiscriminately *defend* the former in every thing which they have done, so they endeavour *throughout to raise suspicion* against the latter in every thing emanating from them.

The *author of this book* is made the object of particular attacks in the second sentence. He is upbraided with „having been a member of the circle founded by Ebel, very active in promoting the objects of the latter“, and with „having felt himself called upon to enter the lists in support of Ebel and his opinions from the very beginning of the inquest; with having openly taken his part and having thought himself entitled to interfere with the course of the proceedings, pretending that he *alone* was able to give reliable information concerning this affair“. But every body is in duty bound to „enter the lists“ for a just cause, or for a cause which he considers to be so, and which, according to his conviction, is wrongly and unjustly assailed, and he must defend it with all his might, without incurring the reproach of siding with the „opinion and objects“ of an individual, or in other words,

without being taxed with factious attachment. This is the reason why the law, in establishing the motives for suspicion against the credibility of witnesses, repeatedly mentions *enmity* as one of them, but never *friendship*. Enmity arises from the impure excitement of hatred, which is contrary to the order established by God and men; it is a base passion, which destroys discretion. But friendship is rooted in love; it is a noble affection of the mind *rejoicing in truth*, according to the expression of the Bible.

In the explanation given by the author in the beginning of the inquest, he had made, in order to throw light upon the personal character of the accusers, a criticism of their assertions and several objections against their credibility. This circumstance is invoked against him in the sentence as a proof that „the explanations were not at all intended to elucidate the real state of the matter.“ But the author of the sentence blinded by his unfavourable disposition towards the defence, has overlooked that in an affair where the accusers had been admitted as witnesses of their own accusations, nothing could lead more directly to „elucidate the state of the matter“, than a criticism, supported and proved by facts, of the character and assertions of the said accusers.

The writer of the sentence says further, that the conduct of the Elucidator „has been attended with consequences most prejudicial to the inquest“, but he omits to mention a single one of them, and of course he feels himself still less inclined to take any notice of the advantages of the explanations alluded to and of what had been effected by them with a view to discovering the truth, during the short time which they were suffered to last. Amongst other things they have been the means of bringing to the acts a document, throwing so forcible and clear a light on the charge of disturbing the peace of families, that the first sentence, which certainly was not partial to the defendants, was obliged to admit it. It was

perhaps in the eyes of the author of the second sentence a *consequence prejudicial to the inquest*, that *false accusations were refuted*, and that documentary proof was adduced in favour of the defendants. He has however betrayed the great partiality with which this whole affair has been conducted, by heedlessly expressing the most extraordinary opinion, that a witness was to be considered as incredible, because he had answered negatively all the questions, in which an imputation was implied. (With regard to this witness see moreover „Elucidation“, page 269 sq.).

But besides the author of these pages, to whom the second sentence has allotted so much space, many other witnesses in favour of the defendants ought to have been attended to, if the value of the evidence had been weighed and ascertained according to law, by a sound investigation of the truth and character of the persons who stood on either side. To the seven accusatory witnesses protected by the sentences, as many others could have been opposed, and ought to have been so, whose character stood not in need of any defence or protection.

Next to the author of this book we mention one of Ebel's oldest friends, Major Count C. von Münchow, who had been a fellow combatant of the author as far back as the wars of independance, and who had been by him introduced to Ebel in the year 1817. This witness declared at the bar „that, as far as he could remember, he had ever entertained a peculiar dislike, amounting to disgust, for all sectarism and separation“, that in consequence of it „he had always most decidedly declined every invitation to take part in any such, though repeatedly urged to do so at the place where he lived, because, according to his conviction, such outward formalities and all affected devotion were an outrage to real and genuine christianity, because they do not disturb the sleep of sin, they do not lay hold on the cross of Christ even with a single

finger, they neglect the imitation of Christ, and they do not satisfy our highest intellectual want, namely to be sure of our communion with God and conscious of the object for which we have been called into existence."

"The object and tendency of my intercourse with Dr. Ebel and some other friends of the same mind, can be expressed in a few words: Sanctification, a moral regeneration of our whole being, and as a means to achieve it by active faith, assiduous imitation of Christ, perseverance of the narrow path of self-renunciation, a sincere desire of accomplishing all our duties in the love of God and our neighbour; this is the abstract of what Ebel's advice and example have produced in me and taught me to consider as the object of my life."

Another witness, Ed. von Hahnenfeld¹, made the following declaration: "The dignity of christianity which showed itself in Ebel's whole person and behaviour, and his perfect conscientiousness on every occasion, made a deep impression upon me, and so much went to my heart, that I felt a strong desire of becoming like him. I joined Ebel and his friends with full confidence, and I am greatly indebted to my intercourse with them and to Ebel's sermons. During the years from 1822 to 1825 I have become so intimate with these persons, as any of the accusers who have stood up against them can possibly have been. Therefore I am fully entitled to say that, if there existed any foundation whatever for those accusations, I must necessarily be the first to know it."

Baron E. von Heyking also declared at the bar: "I must remark in the first place, that I esteem and love Dr. Ebel, and that therefore — since *he* notoriously loves truth and is incapable of dissimulation — I esteem and love truth like-

¹ Author of the work: "The religious movement at Königsberg in Prussia and the ecclesiastical history of the present time." Braunsberg and Leipzig, 1858.

wise. But because I love truth and every thing good in general, I hate the wickedness of all the denunciations brought against him. It is well known that no love of good can exist, without hatred, abhorrence, wrath and irritation against evil; a warm feeling for good is equally warm against evil, and only rascals can be indifferent towards wrong and wickedness. God, who is true, does not stand neutral between good and evil, but, as a holy God, he loves good and hates evil. So do also all men who love truth. In my boyhood the greatness of heroes and the glory of warlike deeds pleased me more than distinction in science and art, but I soon became aware that among all greatness of this world, nothing is greater than virtue and the fear of God, and no human greatness is higher than moral greatness. I have always been intent upon imitating noble-minded men, as the greatest heroes of humanity, and therefore I have always taken especial notice of those who were reputed to be so, and felt an attraction towards them."

This deponent, like the former witness, stood in so close an intercourse with Dr. Ebel and his friends since the year 1822, that if anything of the absurd and extravagant opinions, principles and actions imputed to them had been true, it could not possibly have escaped him.

The same thing can be said of Aulic-counsellor and professor Dr. Friedländer. He also had stood in intimate relation to Ebel and his friends during the very years to which the accusations referred. But after the separation of the accusers, he had been removed from the circle by his being called to an university in the north. Having thus been placed very near to the matter and far from the influence of the individuals concerned in it, his circumstantial evidence was considered as being of great value by both the judge of inquest and the court who gave the verdict. Therefore this evidence, *which destroys all the accusations*, casts a very serious

blame on the condemnation, the more so as it is founded on personal experience and expressly states, that the witness had never known anything of the circumstances wickedly invented by the accusers, though on account of his intimacy with the persons referred to they could not have escaped him, if true, and that he had never perceived in Ebel anything bearing the most remote resemblance to the subject of the accusations. It is obvious that these evidences alone are more than sufficient to refute the accusatory inventions produced by an imagination overexcited by a boundless spirit of calumny, so much the more, as the rational conformity of these assertions with each other, and their logical cohesion is the result of the deliberate observation of men, true to their principles and matured in their judgment, and who therefore both, legally and morally, deserve a decided preference over the accusers who had faithlessly deserted their convictions.

The same value as proof is to be attributed to the evidence of Ulrich, member of the schoolboard, Rogge and others, who have unanimously proved the asseverations of the accusatory witnesses to be a produce of falsehood more or less intentional.

A new and characteristic feature was introduced in the lawsuit altogether by countess Ida von der Græben, a daughter of Governor and Upperpresident von Auerswald, who has been mentioned in the second sentence as a witness in favour of the defendants. This lady did *not* come forward to *defend the accused persons*, but openly to *attack the inquest* ordained against them.

This lawsuit had of course afforded to all those upon whose weakness and fickleness Ebel's intellectual and moral superiority had been an involuntary censure, an occasion to exonerate themselves by preferring imputations against him. But the accusations against the so called „doctrine of Ebel“ — more correctly against his biblical principles in doctrine

and practice, could not fail to hurt the aforesaid lady herself, who had been very actively engaged in promoting the same christian principles.

In a memorial of 18th October 1835, addressed to the ministry of ecclesiastical affairs at Berlin and annexed to the deeds, she explained herself to the following purport:

„In the first place, I feel obliged to explain to the royal ministry the position in which I stand with relation to this affair. I openly confess, that I am personally indifferent to the calumnies directed also against myself; it rather tends to give me satisfaction to see that no exception, dishonourable to me, is made by those who expose to contempt the highest and noblest feelings of the human heart.“ „It is also gratifying to me to be personally involved in a cause which is a thoroughly pure one, irretrievably just before God and men, in its innermost foundation and in its whole essence.“

„In fact, the question is about nothing else but the narrow path, the right way, chosen by the head of the Church, Christ himself, and pointed out for us to follow, and which his enemies have ever called „a sect.“

After having mentioned the injustices committed by the consistory, she says amongst other things: „In fact, the consistory has sided with the calumniators; it has, by protecting falsehood and venturing to attack divine and human right, renounced its high vocation: to protect the sacred ministry from abuse, and it has not reflected that in doing so it destroyed itself and its own dignity as the ordained head of the spiritual office.“ She demanded that a stop be put to this injustice“ and „an investigation be effected of the secret ways pursued by the consistory, in order to persecute the most respectable persons by seeking out inimical witnesses.“ She communicated this memorial to her brother-in-law, Upper-president von Schöen, who was the president of the consistory, and in a private letter very frankly reproached him with his

conduct, showing to him his peculiar position in the affair, and speaking from close acquaintance with the persons and circumstances concerned. She said amongst other things: „You have grievously trespassed against the earnestness and importance of your civil position, which requires the utmost circumspection and the most scrupulous abstraction from personal prejudice and dislike. You have accepted and even sought accusations against persons whom you know (I mean particularly Ebel and myself), from whose dispositions, character and actions you have received impressions, which — as you have been capable of receiving them — never can nor shall be erased from your mind, and to whom you have tributed your esteem. Whereas these accusations came from individuals whom you have never esteemed, and of whom you have given me yourself a testimony, which exposes them in their wickedness and bareness. Moreover these accusations would have revolted your feelings, if you had possessed a serious abhorrence of wickedness and vulgarity, and if you had not at all times entertained a childish terror of „devotion“. You have even issued an accusation signed by yourself, in which you declare that hypocrites and liars, whom you know to be such, may not have lied in asserting most extravagant things against us, whom you have yourself always considered as too austere in our moral aspirations; these accusations incur an incomprehensible contradiction, in attributing most contemptible and absurd principles and actions to individuals whose character and conduct is noble and worthy of imitation . . . The decree which you have been capable to sign is without a precedent in Prussia, either according to his nature or to the manner in which it was brought to existence.“

„I know you, my dear Schœn, and I know that it is not a wicked heart, wilfully intent on evil, which has led you so grievously into wrong, but it is not a good heart either, a heart earnestly intent on good. . . . I know that you are

not hard-hearted, but your character is not firm, and being biassed by great self-delusion, you lack a correct judgment of other people too, and you are exposed to be made an instrument by all those who either indulge in their own weakness, or designedly contrive to avail themselves of the weakness of others, especially of influential persons, in order to achieve interested or even malignant purposes . . . This has led you to give access to the most corrupt and dreadful calumny, instead of opposing severe justice to the wicked intrigues of our enemies."

"You are placed in the position of a man, considered by every body as a protector against wrong and as the supporter of right, justice and order. Every body has a right to expect paternal protection at the hands of the Upperpresident, but in this respect you have not followed in the footsteps of your predecessor, who took a serious concern of serious things, and who knew how to treat them with circumspection and care; on that account he stood high above you. This man was my father and also yours¹. His departure from office and from Königsberg was the beginning of a new era; the protector, the manful defender of right was no more"².

"Now I have concealed from you nothing that you ought to know, in order to prevent you in your conscience from separating my person from an affair, which you may have thought yourself able to do off quickly, but the real importance of which has escaped your comprehension. You have sinned very hard, and God will judge between us; He will defend the *cause of true christianity* for which we are persecuted. For our cause is God's cause."

¹ Schön had been married, in first nuptials, to the eldest daughter of Governor and Upperpresident von Auerswald.

² 1824, departure from office of Upperpresident von Auerswald and accession of Upperpresident von Schön.

An evasive answer was made to this letter, and the admonition contained in it remained without effect.

To the afore-mentioned memorial of countess Ida von der Grøeben the ministry replied: that, the matter being in the hands of the criminal court of Königsberg, her complaint ought to be directed to the same authority.

Having been summoned before the court, to be examined as a witness, she declared on the 9th of April 1836, that she „did not recognize the inquest against Dr. Ebel as justified by any foundation. Therefore she could not consider herself to be obliged to assist the judge of inquest by answering questions which ought never to have been put.“ In support of her refusal she delivered on record an accusation against her brother-in-law, Upperpresident von Schœn and the consistory presided by him, establishing the illegal conduct and abuse of official position, of which this dignitary had been guilty, upon proofs derived from his own words, spoken to herself and others, and clearly showing that he was himself fully aware of the falsehood of the imputations and of the contemptible character of their authors. — The judge replied to her, that „she had exchanged her position as a witness for that of an accuser against the Upperpresident and the royal consistory; that this accusation did not belong to the present inquest, but must be brought before the royal ministry“; whereupon she observed that „the very authority mentioned by the judge of inquest had referred her to the present court“, and she delivered to the deeds the answer which she had received from the ministry.

The judge of inquest was much impressed by the result of this examination; he supposed that the proceedings would take another turn, and expected to receive from the criminal Senate an order to initiate the action brought by countess Ida von der Grøeben. However nothing occurred, for, like the ministry, the criminal senate felt no inclination to admit the accusation against the Upperpresident and the consistory.

With regard to the examination of this lady, which the court of inquiry had been intent upon enforcing by every means, the second sentence says: „In consequence of a report made by president von Bæhr, the minister of justice resolved at last to desist from this examination, leaving the court to decide whether it was absolutely necessary. Accordingly the fine which had been exacted from the countess was returned to her, and her examination was dispensed with by the court of first instance.“

A few days before the receipt of this ministerial rescript, countess Ida von der Græben had yet delivered on record an „Exposition of the groundlessness of the pending criminal inquest.“ She says in it amongst other things: „The inquisitory authority of this town, which has been ordered by the criminal Senate to investigate, i. e. to examine into the foundation, has as yet only made a search after a foundation for an inquest, initiated with the purpose of searching whether any foundation for an inquest could be found.“

The judge who pronounced the sentence endeavoured to avert the impression which truth must inevitably produce, and he had no other means of doing so, than to represent as unlawful the exceptional position taken by this lady. He felt not inclined however to refute her arguments, and he took no notice of the facts which supported her statement, but he seems to have thought that the bare mention of her refusal to give evidence, made in accusatory terms, would suffice to condemn her in the opinion of the reader. The plain language of the legal defender affords a striking contrast to that of the author of the sentence; he said: „The judge will not deny that, whenever he meets with this lady in the deeds, he receives the impression of a distinguished, elevated mind, an acute and clear intellect, and a highly consistent and firm character.“ Even her enemies could not refrain from esteeming her as a lady highly gifted in mind and heart.

In struggling against an intellectual power of such purity and strength, the legal authorities could not avoid to be defeated, because they had deviated from the principles of law and right, which are the foundation of public good, and which alone could give them real superiority. Countess Ida von der Græben had given the authorities an opportunity of turning back to the right way; but this opportunity having not been availed of, the position taken by this lady remains, among the arguments of the defence, a lasting protestation against a grievous violation of the laws of God and of those of the State, which ought to be ministering to them.

Several other female witnesses appeared in favour of the defendants, and destroyed by their evidence the inventions of the accusers. Mrs. von Bardeleben, née von Auerswald, especially, has unraveled the web of the persecution and the intrigues of its authors, at the bar as well as before the public, having published a pamphlet to that effect¹.

All these witnesses, who are above every legal objection, are eluded in the sentences partly as being too remote and unable to know enough of the circumstances, partly because, on account of their friendship with the defendants, they knew too much. But nevertheless the first sentence has been obliged to confess, that the witnesses in favour of the defendants, whom it enumerates, had given evidence „according to their inmost conviction“; and so it has condemned the aforementioned illegal pretences.

In his first brief the legal defender has clearly and distinctly exposed to the judge the great difference existing between the witnesses for the plaintiffs and those for the defendants. After having pointed out all the striking contradictions incurred by the former, either contradicting themselves,

¹ A glance at the former position of both upperpresidents Auerswald and Schön, by Evelina von Bardeleben, née von Auerswald. — Stuttgart, 1844.

or contradicting each other, with regard to every head of the accusation, he referred to the origin of these evidences, and he says: „I am fully convinced that, if it had been possible to examine the most part of the witnesses, before they had heard anything of the abominable reports which have been circulated, their evidence would have proved quite different. Some would hardly have mentioned facts, to which they now were induced to give great importance, and others would never have thought of the meaning and interpretation which they now had given to such facts. But now these witnesses are like a revolutionary tribunal raising suspicion against individuals, and condemning them merely because they are suspected.“

Comparing the moral character of the witnesses on either side, the counsel for the defendant said: „Those who support the accusation, have a preconceived and not unartful aversion to peculiarities, and whenever they meet with any, they endeavour by their „convictions“ and „probable suppositions“ to cement those loose stones into a mosaic. This has led them into the painful situation of being obliged to confess to a great number of obvious contradictions, rash assertions and palpable falsehoods, in every instance where the question is about facts, and where the accusers are removed from the domain of their „impressions and opinions“. They have begun by mutually leaning upon each other, but this support soon gave way, because they proved to possess no other means of effecting it, than by referring to what the one had said to the other, after having heard it himself from a third Real conformity in matters of personal experience only occurs in a single instance, but instead of being favourable, it is quite the reverse, for the literal conformity of two witnesses (alluded to before) with regard to a conversation which they had heard twelve years before, affords the strongest reason to suspect the truth of the facts reported by them. The influence exercised by Olshausen by means of his letters to

General-superintendent Sartorius and Count Fink, may be traced by comparing with each other the evidences of Sachs, Ols-hausen and Tippelskirch, constantly referring to one another, and constantly failing to afford the expected confirmation. This accounts also for the numerous inward improbabilities and outward misrepresentations contained in the said assertions, and explains a very surprising feature of these evidences altogether, namely the increasing animosity of the greater part of the witnesses, which grows stronger at every repeated examination, and by degrees produces a lot of additions and new particulars. The witnesses are obviously conscious that the refutations made by the defendants and the statements of the unprepossessed witnesses who support them, are so directly opposed to their own imputations, that they must unavoidably be unmasked at last either palpably and in fact, or morally, but not less effectively. The fear of seeing themselves compromitted before the court, before all Germany, naturally excites them to increased exertions, in order to clear themselves by enhancing their accusations against the defendants.

„How widely different is the character of the witnesses who appear in favour of the defendants. They are always scrupulous to the utmost in separating the facts from their personal impressions; in all their statements they enter with an almost painful care, into the *most minute particulars*; if they are conscious of any fault, of any rashness, they never hesitate to confess it. Their chief object is to give full information, and in opposition to their antagonists, they support every particular assertion by proofs; lively convinced of the truth and lawfulness of their statements, they are from beginning to end deliberate, clear, consistent, and — this is the main point — never self-contradictory nor contradictory to each other. The perfect concordance of all their statements can only be explained by their being true. However intricate

the circumstances which they are called upon to expose, a clear view of the whole matter and a consciousness of right pervades the evidence which they give, and if at times they betray a strong emotion, it is no other but the love of truth, of full and unpalliated truth. If sometimes, though seldom, they do not resist the temptation to give vent to their feelings, this feature is so natural, that I should be sorry to miss it. These expressions may serve to put before the mental eyes of the judge the individual characters of the witnesses, since I am unfortunately deprived of an opportunity to make him personally acquainted with their honest faces and plain artless manners, which could not fail to produce upon him a very favourable impression."

The public mode of proceeding in criminal matters was not yet introduced in Prussia at that time; therefore the judge had no occasion to see the accused persons nor the witnesses.

The love of truth entertained by the friends of Ebel who appeared as witnesses in support of him, as well as their scrupulous sincerity, has been moreover fully established by many evidences referring to the „system of lies“, with which the defendants had been charged, but which accusation was rejected by the sentences.

This may suffice to afford a comparison between the witnesses of either party. The real character of the lawsuit, as a malignant persecution, and the objectionable one of the witnesses who supported the accusation, is however the more obvious by the fact, that in spite of the authentic circumstances and incidents, which we have mentioned, the sentences, under void pretences and by illegal means, preferred the unproved allegations of the accusers, to all the proofs afforded by the witnesses in favour of the defendants.

Therefore in this instance also the law is not guilty of the anomalies which have been committed, in order to elude and

transgress it; but so much the greater is the responsibility of those, whose manner of upholding the law is exposed in these pages and deferred to the judgment of the public.

CHAPTER II.

OVERTHROW OF CRIMINAL JUDICATURE IN THE FIRST SENTENCE.

In order to form a sound judgment of a judicial sentence it is necessary to bear in mind the position of the judge in respect to the verdict which he is called upon to pass.

The judge receives the whole bundle of deeds which has been produced by the inquest, and he is obliged to deduce from them the conclusion resulting from their contents, in other words, to find out the decision.

With a view to this object, the law commands the reporter, i. e. the member of the court called upon to pronounce, who is intrusted with the aforesaid task: „never to loose sight of the principal aim of a report, being to enable every member of the college or court to judge fully and from conviction the guilt or innocence of the accused person.“ To attain this object, it is necessary to set forth in a right view, and in exact conformity with the contents of the deeds, the results of the inquest; to apply the strict rules of logic to the facts ascertained, according to the prescription of the law. In this way a foundation is laid enabling one to judge whether any punishable action has been committed, in what it consists, and what penalty is to be applied to it.

Accordingly we are entitled to claim that this judgment

- 1°. must exactly adhere to the contents of the deeds;
- 2°. that it must exactly and scrupulously observe the prescriptions of the law; and
- 3°. that it must proceed with severe logic in applying the law.

Every deviation from these points must be attended with either an untruth, an illegality or a contradiction.

Now in answer to the question whether these requisites have been fulfilled in the present case, it may be boldly asserted that the first sentence satisfies neither of them. Speaking of the impression which was produced by this document when it appeared, the counsel for the defendants characterizes it in the following words: „I maintain without risk of exaggeration that scarcely any decision has ever met with such universal desapprobation either with the friends or with the enemies of the defendants. The hope of a condemnation, triumphantly and confidently boasted by the latter, rested upon the expectation that the unexampled and scandalous things which had been maliciously mooted beforehand, would be exposed to light and subjected to legal punishment. This expectation has been bitterly disappointed. Not a single charge of this description has stood the test. A penalty has been enacted not for any guilty act, but for philosophical and religious opinions; and all the aforesaid charges are pronounced to be either unproved or utterly false. On the other hand, all the people who for years have been accustomed to find comfort and ease of mind in the doctrine of the defendants, who have modelled their life upon their edifying example, — circumstances clearly granted and expressed by the sentence — cannot possibly rest satisfied with a verdict by which these very doctrines are condemned as unbiblical and unchristian, and which takes its stand upon the Edict on religion of Woellner, bearing the date of 9th July 1788.“

In the „Elucidation“, p. 316—369, we have proved at length that the first sentence is contrary to the deeds, to law and to reason, but we omit this demonstration here because the decisions of the first sentence have been very materially modified by the second. The first therefore is without particular interest to all those who are neither connected with the

matter nor lawyers, but it remains a document of fanaticism and even of vandalism, unheard of in this century and plainly showing the disgraceful overthrow of justice which must necessarily have been effected in order to enable a superior court composed of scientifically educated judges to frame such a sentence.

The counsel for the defendants has very rightly pointed out the defect that the most hateful imputations are only pronounced to be groundless and rejected as false in the motives of the sentence, and that it does not *express a verdict of acquittal* with regard to them, according to law. This mode of proceeding is fraught with great injustice towards the defendants, because it leaves this matter in darkness, bringing into light only the verdict of condemnation for views and opinions. The second sentence has not sufficiently repaired this wrong; it has indeed put together all the isolated acquittals scattered in the first, and has done away with them in the following words: „Public attention has been chiefly aroused by the reports spread about with regard to these circumstances, and the press has not shunned to circulate them enhanced by many additions and exaggerations. However they have either remained unproved or been directly refuted, therefore they may be left out of the question, the more so as the judge of first instance, concurring with this opinion, has already declared this accusation to be in every respect groundless.“ But this declaration though it contains a valid rejection of all the calumnies alluded to, could not compensate the verdict of acquittal omitted by the first sentence, because it came to the knowledge only of those who were allowed an insight into the motives of the judgment.

As to the condemnatory verdict, it rests on arguments so very much opposed to the current notions of toleration and civil liberty, that the bare mention of them will be a sufficient reprobation. They consist:

1°. In calling back into existence a statute antiquated since the accession of king Frederick William III, most contradictory to modern legislation and severely condemned by its contemporaries and their successors, viz. the edict on religion of Wöllner, of the year 1788. (vid. „Elucidation“, p. 335 sq.)

2°. In the invocation of a law enacted in the fifth century of the christian era, more than 1000 years before the Reformation by a catholic emperor, with a view to prove the existence of a sect in the evangelical church of the nineteenth century, in contempt of every judicial and scientific authority, the more so as the said law does not contain any definition whatever of the word „sect“. (Vid. „Elucidation“, p. 345 sq.)

3°. In the interpretation of letters which intimate friends had exchanged from ten to twelve years before, made in a way bordering on absurdity, and contradictory to law and logic. (Vid. „Elucidation“, p. 362 sq.)

The annals of former times contain indeed several instances of condemnations in matters of faith, by which benefactors of mankind have been made the victims of malignant antagonism because they resisted the general corruption and were, in consequence of it, charged by false witnesses with having transgressed the law or committed other crimes. But ecclesiastical history could not as yet furnish any example of a sentence passed in our days, and which not only deviated from truth, law and logic on every point submitted to judgment (as has been shown in the above mentioned pages of the „Elucidation“), but which also, without being able to establish any misdemeanour punishable according to law, pronounced in coarse and even injurious language a condemnation of views and opinions, with no other object than to suppress the activity of men whose gifts and powers were congenial to the intellectual wants of our time, whereas the aforesaid

sentence was an outrage to the civilisation and liberal spirit of the age.

This sentence remains therefore a significant warning of the danger incurred by every deviation from law and morality. But as it has not been able to turn truth into untruth, it affords also a proof of the purity and invulnerability of *real christianity*, which has always triumphed over every oppression, and which is only strengthened by exterior obstacles.

CHAPTER III.

CONDEMNATION OF THE ACTION ALTOGETHER BY THE VERDICT OF THE SECOND SENTENCE.

The historical experience that earthly powers seldom act with justice in cases of persecutions against christians, had been confirmed anew by the result of the first sentence. Although, under existing circumstances, Ebel would have preferred to fall into the hands of the Lord, than to deliver himself once again into the arms of justice, he felt not at liberty to neglect the means which were left at his command to pursue the matter further, because he considered it as *God's cause*, and thought himself in duty bound to defend it to the last, heedless of every obstacle.

Diestel being of the same opinion, an appeal was interposed, and the same legal counsel who had defended the cause with circumspection and a sincere conviction of its lawfulness in the first instance, drew up a second brief. This memorial showed that the deeds contained sufficient data to refute all the accusations, demanded a full acquittal from the charges which the first sentence had not removed, and concluded by repeating the claim:

„That the correspondence exchanged between the consistory of Königsberg and Upperpresident von Schön on one side, and the ministry of ecclesiastical affairs and the minister von Altenstein on the other, be produced.“

He founded this claim on the following motive: „That obviously the assertions of the adversaries, as well as the mode of proceeding of the authorities, would appear in a light quite different (from that which had been cast upon them by the first sentence), if the machinations of the aforesaid authorities were laid before the court, and the latter were enabled to see the threads which had been used to bring about this lawsuit too much resembling a religious persecution.“

But nothing was done, in the second instance as little as in the first, to discover those threads, which would have led to a condemnation of those who spun them. The aforesaid claim remained without effect, and after a lapse of a year and a half, the sentence of the high Senate of appeals of the supreme court of judicature was passed on the 4th of december 1841, and proclaimed at Königsberg on the 2d of february 1842. Its purport is as follows:

„That the verdict of the criminal Senate, dated 28th of march 1839 and published on the 30th of august 1839, be altered in the following way: that the accused individuals are to be dismissed from their spiritual office, not on account of premeditated violation of their duty, and with cassation and inability to all public offices; but on account of violation of their official duty by gross neglect; that also Dr. Ebel is to be acquitted of the charge of having founded a sect.“

This verdict removed indeed the condemnation on account of having founded a sect, which was the most glaring error of the first judgment; but in principle the greatest injustice remained: free investigation and the aspiration of carrying out in theory and practice the principles of the Bible, were condemned as a crime in our age, which boasts of being enlightened.

The second sentence in all its parts, whether in acquitting or in condemning, reveals the same unfavourable disposition towards the defendants as the first. It is obliged to reject the accusation of sectarianism and unable to maintain the ground taken upon the edict on religion of Wöllner, obviously too offensive to the spirit of the time; but having removed the aforesaid charge, which was the only legal motive for any interference at all on the part of criminal judicature, it nevertheless pronounced a condemnation and a penalty. *This contradiction condemns the whole legal proceedings carried on with regard to this affair.*

Moreover this second sentence, like the first one, contradicts the deeds, the laws of the State and the rules of logic in all its parts, both when it acquits and when it condemns. In the first respect, the acquittal of the charge of having founded a sect is indeed founded, according to law, on the argument that the definition of a sect requires a separation from the established church, and that in the present instance no such separation had taken place. But this was enough to settle the point, and it was therefore useless (to say the least) to go on filling sixty folio-pages of the document with a repetition of all the calumnies circulated against the defendants, intentionally brought together in this place. If the reporter thought himself obliged to take that trouble for the sake of completeness, he ought also to have mentioned at length the counterpart of the said calumnies, namely the evidences in favour of the defence, for this was the only means of affording a just and impartial view of the matter to the court. But he has not done so, on the contrary he has mentioned the evidences in favour of the defendants only to lay them by side, thus disclosing to the view of the authority, called upon to pronounce, a hateful picture, serving only to produce a misapprehension of the whole affair, and destitute of the sound and impartial character which it ought to have had according to law.

The second sentence condemns

- 1°. conversations among friends relating to philosophical opinions;
- 2°. isolated expressions uttered in conversation with regard to a particular circumstance of private life, which expressions, according to the author of the sentence, were a result of the assailed opinions; and
- 3°. it lays a penalty upon these alleged misdemeanours as constituting a violation of official duty.

The nature of the aforesaid points proves of itself that a *penal condemnation* of the same *must needs contradict* the Prussian law, which insures *full liberty* of conscience, and expressly ordains *that nobody shall be taken to account or molested on account of views and opinions*.

This general disposition of the law condemns the whole action, but the author of the sentence, in discussing the points mentioned before, has repeatedly transgressed the laws of the state and the rules of logic, and misstated the contents of the deeds. Some things have been falsely reported, others perversely misconstrued. All this has been demonstrated in the „Elucidation“.

A reasonable judgment of a philosophical system tending to uphold: „Reason and sense in unison with divine revelation“, could not be expected from this judicial authority, for the second sentence, as well as the first, maintains as it were as a dogma, a negation of the rules of logic: „As Ebel (so it says, and herein lies the foundation of all the imputed „heresies“) puts at the head of his doctrine the tenet „*ex nihilo nihil*“¹, so Diestel means the same thing by the phrase: „there is no effect without cause.“

¹ The contents of the deeds and the writings of Ebel prove that this is not true, and that he has not put the tenet „*ex nihilo nihil*“ at the head of his alleged doctrine. On the other hand, no reasonable man will deny that it is impossible to think logically without the principle of adequate causes.

Of course he who does not recognize the principle of adequate causes in logical cogitation upon philosophical and theological subjects, can never understand a mode of thinking which precisely consists in carrying into practice consistency, being a correct application of the rules of logic. Accordingly the criticism made by the author of the sentence, originating in error and effected by the application of a false rule, can only lead to a false result.

The author of the sentence, in attempting to attack on theological and philosophical grounds (to him a very dangerous and insecure position) a cosmogonic opinion, takes his stand upon Schleiermacher's „Dogmatics“, his „Sermons“ and his „Treatise on the value of the symbolical books“ etc., and takes these works, as it were, as his *codes of law*. However strange this authority looks in a *criminal sentence*, it would never have led to a result so unworthy of law and justice, if the reporter had been only consistent with it, and had *adhered* to the *guidance* chosen by himself.

We have already seen on a former occasion that Schleiermacher himself had taken under his protection the cosmogonic opinion of Schœnherr, now again made the object of attack, and had established its lawfulness, declaring that it tended „to strengthen the authority of the Bible.“ On the occasion alluded to, the assault directed against Ebel on account of this opinion had been repulsed as a „violation of the evangelical liberty of teaching“ and as an „act of violence“. This judgment was before the eyes of the reporter, being among the documents of the consistory, and even if he should have been ignorant of the name of its authors, he could well recognize in it Schleiermacher's principles.

In his later works Schleiermacher has never renounced these principles, expressed in the year 1814, and strange to say, the passages of his writings which were quoted by the author of the sentence, precisely confirmed the principles alluded to.

Nobody would believe that Schleiermacher's principles could be made use of by a judge of the present time as an introduction and in part as the foundation for *condemning as a crime* philosophical and theological *opinions* and the communication of them to others. In the present case, this strange fact is to be explained by the confusion made between doctrines and speculative investigation. The method of arriving to a clear perception of the doctrines of the Bible and the articles of faith contained in divine Revelation, and of bringing them in accordance with the exigencies of reason, has been confounded with these doctrines themselves; which led to the absurd conclusion, that a teacher of the people who *professes all the doctrines of the christianity* and who is therefore orthodox in the proper sense of the word, has been declared heterodox on account of the *foundation of his faith*. This gross mistake led also to the encroachment of condemning as a heterodox system of religion, and inflicting a judicial anathema upon a composition relating to conversations on religious subjects, which had taken place between men of education and science. The technical authority however, the consistory of Magdeburg, though very unfavourably disposed, had expressly declared in the judgment which it delivered on the matter, that Ebel was accountable to nobody but himself and public opinion for the private sayings alluded to, and for others, which had been also assailed. The motives of the second sentence, or in other words, the report submitted to the court, takes no notice of this declaration, which in point of law was the only useful portion of the theological judgment of Magdeburg; it may be inferred therefore that the court was never made aware of this important fact, which removed from its competence the whole matter. This supposition may explain the possibility of this sentence having been pronounced. The „Elucidation“, p. 385 to 426, contains more circumstantial information on this point; it shows also how the author of the

sentence endeavoured to qualify as „heresies“ philosophical opinions and even scriptural sentences, thereby contradicting the deeds, law and reason; it contains also a criticism of the theological judgment delivered at the close of the inquest by the consistory of Magdeburg, exposing its want of straightforward argumentation and the self-contradictions which are to be found in it.

Schleiermacher's principles, expressed in the ministerial rescript of 28th August 1814, before alluded to, which are so well founded in theory and practice, and so brightly and clearly show the way to be taken in similar circumstances, inexorably condemn the whole lawsuit. This condemnation falls upon both the judicial and the ecclesiastical powers, but more heavily on the former, because its especial duty is to protect from encroachments of any kind the civil and religious liberty of all men.

The culmination of judicial error is to be found in the second point of the condemnation relating to conversations with a few friends, represented according to the accusations as a result of the assailed system of philosophy, and which, according to the theological judgment of Magdeburg and to the report contained in the sentences, „had the tendency to purify and make more worthy of man the matrimonial relations so often defiled by gross sensuality.“

In dragging into its forum a circumstance of private life which from its very nature and peculiar character is beyond the reach of any interference from the authority, the court bade defiance to all notions of law, but in this case it also betrayed its dignity, because the views and feelings condemned and punished were acknowledged to be noble and pure, whereas, on the other hand, free scope is left to every kind of impurity in this respect (vid. „Elucidation“, p. 434, sq.).

The arbitrary qualification of these so called misdemeanours, as violations of official duty, is directly contrary to law. The

legal defender has established this point in his second brief, showing that the law, by a series of prescriptions, makes a distinction between private and public life, and that this distinction is entirely removed by turning *private* actions (as for instance conversations with friends) into *official* ones, which would lead to the strange result of denying a clergyman the enjoyment of private life.

The existence of such a sentence is a fact fraught with serious warning, but the Prussian law is not guilty of it, for it has been entirely disregarded in committing this extravagancy.

The result of both sentences has been to condemn as a criminal offence the christian activity of men who were faithful in fulfilling their official duties, and who, urged by the love of men, did not content themselves with amending outward evils, but endeavoured to strike at their inward root.

Having been made acquainted with the result of the definitive sentence, Ebel himself took all the necessary measures in order to retire from his official position. In a farewell-letter to the churchwardens of his parish, speaking of the situation in which he was placed in consequence of the injustice inflicted on him by the said sentence, he expresses himself as follows:

„The verdict of the high senate of appeals of the supreme court of judicature dismisses me from my office as Archdeacon of the old-town-church. God has favoured His servant and deigned to set upon him and upon a blessed christian activity of almost thirty years duration the seal of legitimacy; but at the same time He has spoken a word of deep signification to those who are acquainted with my work, accomplished in the service of the Word.“

Conclusion.

The foregoing pages have exposed to the eyes of the civilized world the grievous violation of divine and human right committed in the initiation, the management and the results of this lawsuit. The christian defers the final condemnation of it to Him who judges rightly, and therefore refrains from moral imputations; but his duty is to uphold the truth which he knows and to disclose falsehood, thus enabling his contemporaries to discern between truth and falsehood, and to escape the condemnation which must fall at last upon the latter. The best way to do this was to state the facts as they occurred, and to prove them irrefutably.

The ecclesiastical and moral history of our age and particularly of the Prussian state, may derive from the events related in the preceding pages two experiences highly worthy of consideration.

The first is:

that justice forfeits its honourable station and exposes the citizens of the State to every assault, instead of protecting them according to its duty, when it loosens itself from the obedience due to the law, and that in the present instance an irreparable damage has been done to the public welfare by such a deviation. In the State whose particular vocation to promote instruction and toleration

is generally acknowledged, and in spite of the benevolent intentions of the sovereign, it has unfortunately been possible to condemn as a crime the aspiration of affording a rational foundation to christian, biblical truth, and to realize it in every relation of life; it has been possible in the unfortunate country where such a persecution could be effected, to remove from his blessed activity a most faithful pastor, who, instead of such treatment, was entitled to the gratitude of the State. This fact is a blot to the annals of Prussian history.

The second experience constantly repeats itself since the origin of christianity, it is:

that every attack against positive and active realization of the spirit of christianity in actual life, only serves to prove the impotency of brutal force and outward powers, however much they may struggle against it, and even when they are allowed temporarily to boast of apparent victory.

The author does not mean to convince the reader who does not himself deduce these truths from this book; for arguments are useless to him who is not convinced by facts. His object is to draw into light and to bring forward for the use of history the truth contained in the deeds, which has been intentionally kept in darkness since the conclusion of this lawsuit, but which no persecution can destroy. Historians are now enabled to do homage to it, and to correct, at least in future, the unconscionable mistatements which have been committed to the detriment of historical correctness and impartiality. If among them any one should not think himself called upon to do so, he would be doubly worthy of pity or blame, now that the present authentic elucidation has removed altogether the false pretences, already void before, and disclosed to view all the threads of the persecution. If the language of unvarnished truth, unavoidably bitter, has given unintentional

offence to those who do not side with it, the fault lies not with the author.

It is not surprising that the men who carried with them the spirit of christian life have at all times been persecuted as sectarians and founders of sects, not because they *separated from others*, but because the world at large *drew away from them*. *St. Paul* was called a sectarian by Jews and Gentiles, because he carried into declining judaism and corrupted paganism the christian element of life; *Luther* was taxed with heresy by the catholics, because he destroyed dead works by the justification through faith; *Spener* shared the same fate at the hands of school-divines, because he endeavoured to revive the dead bones of a so-called orthodoxy by putting in practice his spiritual experiences and active christianity; *Ebel* was accused of heresy by his contemporaries, because he invited the present generation, called to maturity, to a spontaneous return of God's love in harmonious reciprocity of faith and reflection, and by a conscientious realization of the literal contents of holy writ.

For this reason the enemies directed all their arms against Ebel. These arms: falsehood, intrigue, false evidence, violence and want of sense, were brought to bear recklessly and without restraint on the whole persecution, from beginning to end of the lawsuit, thus bringing into existence a bundle of deeds of an unparalleled character and extent.

An article published in the year 1838 in the „Friend of the church for northern Germany“, and referring to the „events of Königsberg,“ contains a striking picture of the use which has been made of those arms in every persecution of christians, and shows „by what unmeasured and boundless falsehoods those who professed or introduced christianity have at all times been calumniated.“ It is said therein: „Even as the shadow follows the body, falsehood has followed Him, who was born and has come into the world in order to beget

truth. But as it has persecuted Him, it has also unremittingly persecuted his work and those who achieve it, so that a host of liars attends christianity in all its phases, from its origin up to the present day. Wherever christianity has opposed to commonplace life and the vulgar mode of existence, its divine virtue, falsehood has taken its station and wrapped around it, like a cloud, a multitude of malignant and groundless inventions."

The truth that the enmity against christianity flows from this source is not new. It may be seen by the aforesaid article that the roman author Lactance, who lived in one of the first centuries of the christian era, has written already in the fifth book of his Institutions: „What shall we consider as the main point of this great, obstinate hatred? Does truth beget hate, or are those people ashamed of being godless in presence of those who are just and good? Or is it both? Yea the very reason why truth is hated, is because he who sins desires to have free scope for his sins, and thinks that he will be able to enjoy the full delight of his shamefull actions only when there is nobody left to disapprove of his crimes. Therefore the heathens endeavour to destroy entirely all christians as witnesses of their crimes and wickedness, for they dislike them as men by whom their conduct is reproved. For why are a few to be good, and so inconveniently to upbraid public corruption by their righteousness? Why are not all men equally bad, rapacious, lewd, adulterous, perjured, hankering, deceitful? But this being the case, it was not enough to exterminate the christians by outward violence, it was necessary to destroy them also morally if possible, and how could this be achieved otherwise than by disfiguring their doctrine and *calumniating their conduct?*

In another place, the author of the article alluded to puts this question: „What would be the result in cases of theological quarrels and discord, if the power of the State

should lend its ear and its arm also to the suggestions of factious zeal? What a frightful scope would unfettered passions usurp in that case?" And as if he meant to show that the events related in these pages have already occurred among the first christians, he adds: „Public opinion was so much and so thoroughly confused and led astray by all this, that it became difficult, even to just and righteous men, to unravel the entangled threads of exterior truth, without an inward knowledge of the misconstructions, distortions and inventions. The most indifferent action, the most insignificant custom of christians had passed through the impure channel of slander, and was not looked upon in a clear light.“

Who will deny that all this applies perfectly to the present case? Even the very significant conclusion of the said article found a sad corroboration here, and may be applied to this persecution as well as to those of former times. „Thus the judicial proceedings became only an accredited form of calumny. The real foundation of hatred, calumny and persecution could not be removed, for it was no other than that which we mentioned in the beginning: They were surprised at the christians' refusing to blaspheme as they did, and to take a share in their disordered and dissolute life.“

In spite of the inimical influences exerted during several years and which have been indicated in the foregoing pages, the issue of the persecution and the result of all these attacks confirm the truth expressed before, that material force has no power against spiritual strength. This must seem a paradox to many who in absolute submission to outward authorities, and influenced by ancient prejudices, consider a dismissal from office as a misfortune scarcely to be surmounted; nevertheless whoever looks not only upon that which is obvious to the eyes, cannot but acknowledge the issue of this lawsuit to be a victory of God over his enemies. The initiators and promoters of the persecution, after having succeeded in filling

the world with their calumnies and even in drawing the criminal court into their interest, thought indeed to be sure of their triumph. They hoped at least to do more than had been achieved by former persecutions, with a view to discrediting the earnestness of christianity. But God decided otherwise. The extraordinary efforts made for more than two years by an inquisition which searched almost every German country, failed in discovering the slightest vestige of a support of the accusatory slander, and the definitive sentence which appeared at last, after a lawsuit of seven years duration, was compelled to effect a retreat. By rejecting the charges alluded to, it abandoned the field of punishable actions, over which alone it was competent to judge, and entered the domain, uncertain and foreign to its attributions, of philosophical opinions. Conversations on this subject were called „a propagation“, qualified as a „violation of official duty by gross neglect“, and a penalty was enacted upon them. But the principal desire of the accusers was not accomplished, and the cause of God proved to be unassailable.

The victory of God, with regard to the persecuted cause, was still more apparent in theory. The adversaries of this cause had, from the beginning of the present century, been unremittingly intent upon crushing the views, which at that moment were just coming into sight, and which Ebel placed on the rock of a wellfounded conviction, by his recognition of their being in accordance with the Bible. Schöenherr failed in his first attempt to lay before his contemporaries his opinions by means of two small essays published in the year 1804. This aphoristical interpretation of the first verses of the Bible did not find its way in the booktrade, and had got out of print already a few years afterwards. Schöenherr himself died in the year 1826 without having continued his work, and among those who, by their position and science, seemed called upon to do so in his place, nobody undertook the task.

Therefore his adversaries already rejoiced in the triumph of their efforts, and boasted that the subject „could be considered as having dwindled away.“

Ebel himself had no leisure and felt no obligation to propagate views which, according to him, were important only to those who felt the want of strengthening their faith by rational argument; he considered himself as more particularly commanded by God to scatter the seed of Revelation into the hearts of men, and to effect sincere regeneration by his sermons and his pastoral activity. The boast of the adversaries seemed therefore to be verified. But in this respect also God had decided otherwise. Olshausen's attacks against Schönherr's philosophy induced two friends of the latter to refute the falsehoods which they contained, and so the matter was carried into public discussion. Olshausen's misconstructions compelled also Diestel to study Schönherr's system, and in the course of the lawsuit both Ebel and Diestel, were called upon by the judge of inquest to explain themselves at length upon this subject. They accordingly delivered on record an exposition of their philosophical convictions, which has also appeared in print under the title of: „Reason and intellect in alliance with divine Revelation“ etc. 1837. Afterwards the unjust condemnation itself has been the means of leading into retirement Ebel, the faithful servant of the Lord, and to afford him self-collection and leisure for literary publications in support of Bible truth. His „Philosophy of Scripture“, published in three parts at Stuttgart in the years 1854, 1855 and 1856, gives full satisfaction to the want of rational argument in accordance with faith.

Thus has been verified also a word written by Diestel in his book already alluded to: „An examination of witnesses“. He says there, p. 399: „Not to the first apostles alone has been spoken the word: ye are the light of the world. No man, when he has lighted a candle, putteth it under a bushel,

but on a candlestick, that they which come in may see the light. This is the will of God. Therefore has even a criminal lawsuit been compelled to be servient, against the will and expectation of those who thought to make a bushel of it."

After the conclusion of the lawsuit, Ebel has expressed himself to the following purport with regard to his biblical views in a letter which he wrote at that time:

"Time, in its evolutions, hastens forward towards maturity, and God, who is willing that all men be saved, is willing also that they shall come to the knowledge of truth by spontaneously taking hold of their salvation. But this knowledge is only to be found in faith in the declarations of the Bible. Our times stand in need of a philosophy, they are searching after a philosophy, but they will remain times of confusion until they are taught by philosophy to subordinate reason to the word of holy writ. This alone is the tendency and spirit of *that* philosophy which, taking its standing-place *below* the Bible, lays no claim to being more than a key to the comprehension of the Bible in the hands of reason and intellect — and which is quite alien to the opinions and consequences which some people have attempted to lay to its charge. Far from contradicting the fundamental truths of the evangelical church, it strengthens them much more, and is a sure remedy against unbelief as well as against the religious hypocrisy of our days."

"I here express this clear perception with gratitude to God, for whilst hundreds of my colleagues have been alienated from the Bible by other philosophies, these philosophical views have preserved me from the wanton seduction of a turbulent age and given me, with regard to the evangelical creed, a strength of conviction which has been attested by a strictly biblical predication, carried on without flinching under unremitted attacks."

„Therefore, committing everything to Him, who has given to mankind the word of the Bible, which to me is divine truth in its *full* contents, and confiding in Him, who has hitherto miraculously guided me, I retire from office with an undisturbed mind.“

Since the events related in this work great commotions of the world have taught to nations as well as to sovereigns the important lesson, that one thing only can avert the corruption menacing on all sides, and this is the very thing which in this case has been condemned as a crime, namely:

To think and to act according to one's conscience.

VOICES FROM THE GERMAN PRESS.

To reproduce all the numerous reviews, partly very minute and circumstantial, which have been published on the subject of the *Elucidation*, as well as of the *Compendium* of the same, would fill a whole volume and afford an animated picture of the important change brought about in the periodical press of Germany by the appearance of those books. The following extracts from the most remarkable criticisms which have come to the knowledge of the author, may suffice however to show how this change was effected in the minds of those who had an open ear for truth, in spite of the roaring storm of persecution.

A reviewer says in the „Theological and literary paper“¹: „Twenty years and more have elapsed since the termination of a lawsuit which has made at the time the greatest sensation in Germany, which has been in the beginning availed with wanton eagerness in order to represent the reviving earnestness in the practice of christianity as a mask for the coarsest sensual depravation, and which, when the falsehood

¹ Of the universal churchtidings of Darmstadt, 1863, N°. 75 and 76.

of the most revolting accusations was discovered by degrees, at least left behind it the words *Mucker* and *Muckerthum* (devotee and hypocritical devotion) as favourite sarcasms . . . It is true that during all this time voices were not wanting who warmly took the defence of the persons so grievously wronged and accused, and who testified to their innocence; amongst others for instance Mrs. Evelina von Bardeleben née von Auerswald, whose book entitled „*A glance on the former position of Upperpresidents Auerswald and Schaen*“ (1844) is important also in other respects; Countess Ida von der Gröben „*The love of truth*“ (1850) and Hahnenfeld „*The religious movement at Königsberg and the ecclesiastical history of the present time*“ (1858). These writings have been noticed firstly in the article of Wagner's „*Dictionary for the State and Society*“ treating of the subject, in a sense decidedly opposed to the opinion generally entertained. But those works have not penetrated far beyond the circles in which they were published.“

„On a sudden a high-placed functionary belonging to the Prussian knighthood and very advanced in age, therefore standing nigh to the all-deciding judgment of Eternity, stood up with the voluminous book entitled „*Elucidation of the facts relating to the religious lawsuit of Königsberg derived from the deeds*“, and proved in it that the parties condemned have been most grievously wronged, that the inquest effected against them has been conducted with the utmost partiality, and with a contempt of all legal forms and prescriptions which bids defiance to every rule of criminal prosecution, and particularly to the Prussian one, which is wise and mild; that the most questionable, morally worthless witnesses have been looked up and protected against the defendants; that their evidence has been accepted as reliable, in spite of the most glaring contradictions and even perjuries, whilst the evidences in favour of the defendants were either declined or rendered suspicious and destroyed, and that the condemnations resting on such

a foundation are contradictory to an impartial administration of justice as well as to common sense; that therefore Ebel and Diestel, both very noble, morally pure characters, enthusiastic for christianity, have been the victims of a malignant enmity against their persons and activity, which had existed for a long time, in which individuals of every station joined together, and which prevailed against them even in the highest circles, on account of political considerations and of the tendency of public opinion."

"The writer, who has been living indeed far from the scene of those events, but who is old enough to have been able to follow them from beginning with great attention, stood also under the impression that, whatever exaggerations might have been indulged in by busy tongues and votaries of scandal, the question had really been about a sect or secret society and about serious excesses of the ambitious spirit of domination, if not of sensual lusts, always connected with such societies."

"But the more the writer read in the book alluded to, the more the mode of proceeding of the judge of inquest, always depicted strictly according to the deeds, and the intrigues of the real instigators of the whole lawsuit, in every instance supported by authentic proof, were disclosed to his eyes, the more to his advantage appeared to him Ebel, not only in the description of his life and activity, but still more in his letters partly quoted from the deeds, and in his whole defence, calm and collected, but straightforward and sincere; the more evidences from most respectable men and women were brought before him in favour of Ebel, the more he was made to waver in his preconceived opinion, the more he felt interested in the criticism of the author, effected with unremitting logic and a sound knowledge of the law; and when he arrived at the conclusion of the work, long indeed since it is derived from the deeds, but always interesting, he could not defend himself

from the conviction that, in this whole affair, passion and selfishness, offended pride and wounded interest had indeed played a prominent part and brought about an issue of the lawsuit, which would certainly not be possible in our days. This excites of course a sincere compassion for those who have been unjustly condemned for unproved charges and by ill applied articles of law; as well as the most profound indignation at those who have chiefly contributed to impend this misfortune over them, and the most decided contempt for those who have lent a helping hand to this persecution out of complacency and servility."

"We are not allowed the space to expose at length this result of our repeated and earnest study of this book, really remarkable and important for universal and ecclesiastical history; we must limit ourselves to urging every reader who takes an interest in the matter, to procure the work in order to follow under the author's guidance the intricate ways of a shameful and wicked artifice."

"The principal authors of the persecution were professor H. Olshausen, who had arrived at Königsberg in the year 1821; the jewish physician and extraordinary professor Dr. L. W. Sachs, who had been baptized by Ebel in the year 1818; a nephew of count Kanitz, von Tippelskirch, an orphan reared in the house of the former and educated by him and Ebel with great care and trouble, until he was made a doctor of divinity and candidate for the ministry; finally count Kanitz's brother-in-law, count von Finkenstein, and his lady who was a sister of Tippelskirch. Sachs, on account of his incorrigible immorality of conduct, which he had only for a short time seemed to renounce, had been at first and after a long and charitable forbearance, expelled by these very individuals from the circle of Ebel's friends, who broke off their intercourse with him. This hurt him so much the more as this rupture was attended with prejudicial consequences to his

practice as a physician, and from that moment turned him into a decided enemy of Ebel's and his friends."

Public opinion has been principally deluded by an article in the evangelical Churchtidings. Indeed Diestel raised his voice against all the libels which had been published, by means of his book entitled „*An examination of witnesses*“ (1838), but it remained unheard; Upperpresident von Schön forbid this publication to be advertised, and so it was drowned, along with the rest, into the irresistible current of public opinion."

„We are personally a stranger to all the parties interested on both sides, but we consider it as a sacred duty to lay before the eyes of the younger generation this gloomy spectacle of our own one, that it may derive from it a better knowledge of things. The writer would be highly gratified if his exposition contributed in some way to remove from the names of the individuals who have been condemned the stain of an unmerited disgrace, and especially to induce all those who are by profession called upon to report on the subject of those events of Königsberg, to inquire closely into the matter before they assist in propagating any further the notions which have been prevalent in respect of them, because a condemnation of which the real motives have never been known at a distance, has been erroneously taken for a proof of full guilt, although the falsehood of the accusations had been expressly acknowledged in it."

The „*Periodical for Protestantism and Church*“, Erlangen 1863, monthly part for April, page 222 sq., gives a detailed account of the religious lawsuit and says amongst other things: „This event came to pass at the time when the profession of positive christian faith still astonished the world, whose hatred against it was still in its full force. This circumstance was a welcome occasion to raise suspicion against that profession

without any forbearance. If we look upon the result furnished by the deeds, we must confess that grievous wrong has been done to those men (Ebel and Diestel) and the circle of friends who had collected around them. For years an inquest has been carried on, after immoralities which were said to have taken place in that circle and to have been produced by the doctrines of those men; the most suspicious reports were set in circulation, the worst things were whispered at Königsberg with respect to that circle, and what was whispered there, was trumpeted aloud in the newspapers; but the inquest has not been able to find out a single proof, the highest authorities have been compelled to reject all the charges one after another; only one thing they have found to be true, viz. that Ebel and Diestel were favourably inclined to the doctrine of Schönherr. But would it not have been the duty of the court of appeals, after having removed all the charges but this single one, to take care of reestablishing the reputation of those men and of their circle of friends, by proclaiming loudly that they had been wronged? Who can be assured of his honour and good name, if he is exposed to be made the object of an action of several years duration, and to be dismissed at last with a verdict which does not restore his honour, although whatever guilt laid to his charge has been proved groundless?

The same periodical censures „the consistory for not having published the verdict in order to refute the false reports which were widely spread about among the public and in the press, at the same time retracting its former accusations resting on count Fink's incorrect deposition.“ The paper concludes with the words written by Ebel in a letter on the termination of the lawsuit: „Time in its evolutions is hastening on to maturity, and God, who is willing that all men be saved, is willing also that they should come to the knowledge of truth by a spontaneous decision in laying hold of their salvation. This knowledge is only to be found by faith in

the declarations of the *Bible*. Our times stand in want of a philosophy, they are searching after a philosophy, but they will remain times of confusion until they are taught by philosophy to subordinate reason under the words of holy writ. This point alone is the tendency and spirit of *that* philosophy which, taking its station *beneath* the Bible, has no higher pretension than to be a key to the intelligence of the Bible, and which is alien to the opinions and conclusions falsely laid to its charge; far from contradicting the fundamental doctrines of the evangelical church, it strengthens them much more, and it is a sure weapon, as well against incredulity as against the religious hypocrisy of our days. I here express this conviction with sincere gratitude to God, for whilst hundreds of my colleagues in the ministry have been led astray from the Bible by other philosophies, these philosophical views have preserved me from the wanton seduction of a stormy and restless age, and have given me with respect to the evangelical creed a force of conviction which has stood the test of neverending molestations, and has been all the time unflinchingly attested by my preaching strictly in accordance with the Bible. Committing therefore everything to Him who has given to mankind the word of the Bible, which is to me „divine truth in its *whole* contents“, and confiding in Him who has hitherto wonderfully guided me, I retire from office with an undisturbed mind.“

A reviewer states in the „Churchpaper for the evangelical congregation etc.“, Königsberg, 1863, N°. 17: „Since february a book has come to our province, and still continues to arrive to it, which has produced the greatest sensation in *all* circles, but a very painful, dejecting, almost annihilating impression in *several*. The book is printed on exceedingly beautiful paper, with the finest types, contains 468 pages in great octavo, and

is to be had at every bookseller's for the incredibly low price of 1 Dollar and 6 groschen. The author is greyhaired count Ernest von Kanitz, who for many years is living in the kingdom of Württemberg, but who properly belongs to this province by birth, education and long continued activity. The title is: „*Elucidation of the facts etc.*“ The object is about the clergymen Ebel and Diestel and about the circle of friends who had gathered around them, and who belonged to the highest families of our town and province. Well, Ebel and Diestel, of whose moral purity even the most exasperate among their accusers were *inwardly* convinced, are dead; but for the dead speak the living, and conscience! „It is John whom I have beheaded; he is risen from the dead,“ said Herod according to Marc 6, 16. Only a little psychology, and much that appeared obscure and veiled, will clear up. We intend to revert more at length to this remarkable book, but in the meanwhile we recommend it to all those who possess a real interest for the concerns of the Church and State. They will find in its pictures of the past a light which strongly illumines the circumstances of the present and even shines into the future. Even educated people who must confess to themselves that they have as yet given but little attention to the history of our evangelical Church, will be drawn out of their apathy by this book.“

The „Universal church periodical“, Elberfeld 1863, part 4, published on the occasion of the appearance of the „*Elucidation*“ an article which discovers in part the origin of the persecution alluded to. We read there p. 266: „Urged by the desire of fame young professor Olshausen, who had been sent from Berlin to Kœnigsberg, sought to raise himself into influence. He wanted a new field, and thought to find it by joining the circle of Ebel and Diestel, to which belonged persons of either sex, not only

highborn and influential, but also talented and well educated. This circle, the nucleus of which had a most decided importance for the kingdom of God, and which had a very peculiar fate in its outward development, has been greatly misjudged by its contemporaries, and will be rightly appreciated only by posterity. In this circle, to which he had not been *invited*, but had spontaneously sued for admittance, Olshausen practised every kind of complacency and self-abnegation in order to make himself a favourite. But his want of social cleverness, his pent up ambition, his shy look, in short his whole behaviour, in which a psychologist soon detected distrust and dissimulation, contrasted so much with the elegant manners of the members of that society, with their openness and cordiality among each other, with their fundamental principle of *liberty* in thought and investigation, and with their *resolute decision* in what they aimed at, that Olshausen was not satisfied, but felt rather offended at seeing the impossibility of attaining any influence over this society, from which he separated accordingly in the year 1826. In order to explain his separation, he represented Ebel as a teacher of heresies."

The „Christan messenger," Stuttgart 1863, N°. 13, has the following with respect to the „Elucidation": „The author, who has stood so near to the events which he describes, that he was better than any body else qualified and called upon to elucidate them, proves with all the power of conviction, but at the same time with judicial calmness and profoundness, that the lawsuit carried on from 1835 to 1842 against Rev^d. Dr. Ebel and his friends, has been an example of wicked calumny and persecution, such as are seldom to be found in history." „If the statement of the author (it is said further) which is given throughout as authentic, cannot be refuted, justice commands every one completely to revise whatever

has been said on the subject of Ebel and his friends in periodicals, dictionaries of conversation, and ecclesiastical histories."

The „Central literary paper for Germany," Leipzig 1863, N°. 18, contains the following review of the „Elucidation": „It cannot be denied that we have here again a picture of the dark side of human society and particularly of the administration of justice. We are of course obliged to refrain from pronouncing a decisive judgment on the foundation of this statement only, but in our opinion both the perception and exposition of the author bear alike the mark of sincerity and dispassionate calmness. And the reader will perceive with fearful clearness, with how much arbitrariness, contempt of legal prescriptions, hatred and prejudice this inquest has been conducted, the moment he becomes conscious that under similar circumstances everybody, and therefore the reader himself, is exposed to fall into the hands of such individuals" „We feel deeply the angry sort of regret which must always be tributed to any abuse of power, and in point of law we completely agree with the author that the facts and documents existing in this case by no means afforded a valid motive either for an inquest or a condemnation" . . . „We therefore most warmly recommend this book."

The same paper, in reviewing the *Compendium* and after having expressed its astonishment and regret that the truth has hitherto found so little sympathy with historians, says: „It is confirmed anew how little real feeling of justice is generalized, how little people are disposed, without direct personal interest, to defend and protect the reputation and honour of others, whatever opinion they may entertain about the religious views of the two clergymen and the author of the present work.

„If on an earlier occasion we have already designated the work of the author as deserving the earnest sympathy of every honourable man, we must now desire so much the more that his repeated attempt be attended with success, and effect the destruction of the inveterate prejudice“ „it would be doubly miserable if the falsehood alluded to should be dragged onward out of mere indolence.“

On a subsequent occasion the same reviewer repeatedly declares that: „it is the duty of every honest man to assist in atoning for this grievous wrong.“

A public voice: „The dictionary for the State and Society“ by Wagner, which already in the year 1861 and on the foundation of the works of Ebel, Diestel, E. von Hahnenfeld and Mrs. von Bardeleben, had ascertained the combined action of very different powers in bringing about this lawsuit and its most deplorable result, after the appearance of the „Elucidation“ (1863), censures „the wrong done by a coterie of high functionaries of the Government and of adherents of an orthodoxy decayed and decked out with void esthetical and philosophical phrases, to a circle in which much nobler aspirations of the heart and pure zeal for christian knowledge and experience were to be found.“

„After the solid discussion which Mr. von Hahnenfeld has dedicated to this object, and which is superior to the adversaries of every description, the work of count Ernest von Kanitz, member of the council of tribunals, entitled „Elucidation of the facts“ etc., is to be mentioned as the masterly conclusion of this struggle against calumnies, false tradition and the decision of both judicial sentences rendered in this matter. Count K. gives in the aforesaid masterwork an historical account of the whole affair and at the same time a sound criticism of the judicial prosecution against the accused persons

and of the first and second sentences of the courts. His work will hold its place for ever in the history of the Church and of literature."

In the „Periodical for Theology and Church, of Dorpat,“ 1864, part I, we find a „Retraction on a subject of ecclesiastical history,“ by professor Dr. H. Kurtz, in which he expresses his regret at „false reports having unfortunately found entrance in the former editions of his „Manual of ecclesiastical history“, and explains as follows the change effected in his views concerning this question: „The religious movement“ by E. von Hahnenfeld (Braunschweig 1858), had already „convinced him that his statement in the Manual of ecclesiastical history was in several points erroneous and unjust; whereupon he had hastened to correct the error in the fourth edition, as far as he had been able to ascertain it at that time.“ „But the „Elucidation of the facts“ etc. by Count von Kanitz had inspired him with entire confidence in its truth by the calm and clear discretion of all the statements contained in it, the more so as in every instance it gives quotations from the deeds themselves — which is wanting in the work of Hahnenfeld — and thus enables the unprepossessed reader to see with his own eyes, to examine and to judge for himself.“ „By this book,“ he says further, „the opinion prevalent on the subject of these memorable circumstances, events and transactions of Königsberg *must* be entirely reversed. This book has appeared nearly two years ago¹. Many of the adversaries and condemners of the aspirations alluded to, who were personally implicated as apostates, accusers, witnesses, inquisitors and judges, and who are grievously exposed by the authentic revelations of this book, are still living and have certainly every reason energetically to

¹ Now seven years.

remonstrate against any false or incorrect assertion, misstatement or misconstruction of the facts. But to the knowledge of the writer, nothing of the kind has ever been done up to this moment"¹.

„Should the writer be permitted to issue a sixth edition of his Manual of ecclesiastical history, he will of course not forget to revise it in accordance with his present convictions concerning those events. But he deems it his duty to publish the necessary retractation at present and in this place, because he does not know whether or when he may be able to do so in his book.

In the „Paper for pastoral divinity“ of Vilmar, monthly part of September 1864, we read in a review of the „Compendium“: „This book contains a summary of the facts concerning the monstrous lawsuit in question, referring to the details contained in the „Elucidation“, but laying aside the voluminous judicial materials and the minute criticism of the judicial prosecution. The same masterly exposition which distinguished the larger work, is also the main feature of this abstract. It must therefore be warmly recommended to all those who take an interest in the affairs of Ebel in particular, as well as in the first beginnings of a religious revival in our century in general. It is very appropriate to give an insight into the hatred with which christianity newly aroused has been persecuted in the time of unbelief, and to show how readily its enemies unite in condemning it.“

The „Literary paper“ of the historiographer Wolfgang Menzel, 1864 N°. 19, contained a circumstantial review of the „Compendium“. It says amongst other things: „Two clergy-

¹ Nor up to the present year 1869.

men of Königsberg, Ebel and Diestel, were maintaining a firm hold of God's word in the middle of the current of an unchristian time, and had acquired numerous adherents among the congregation. This could not but attract towards them the hatred of the party at that time predominant in Prussia, and the bitterest attacks on the part of the so-called educated people“.

„Every thing that was done against those men being sure, at that time, to meet with the approbation of the authorities and of public opinion, nothing was more natural than their being most malignantly assailed and slandered. Envy also took a part in the persecution, because these two clergymen enjoyed a comparatively large influence in the town“... „Even the great esteem in which Ebel was held, could least be pardoned him by those who, after having got over their enthusiasm for the war, resorted again to their old rationalism, or began to become fanatical of Hegel. Ebel's enemies, who were not so much respected at Königsberg as he was, and who were envious of him, cleverly knew how to sail before the wind. It was mere wickedness on the side of the anti-christian party then domineering, to persecute guiltless men, and like the wolf in the fable, to accuse the poor sheep of troubling the water“... „A jewish physician (Dr. Sachs) is also mentioned, who had been baptized by Ebel, and to whom the latter had procured a large custom, which he lost by his immoral conduct, and who sought to ingratiate himself with the adversaries of Ebel by calumniating him“... „All the accusers of Ebel would however not have been able to achieve so much, if they had not found a powerful protector among the highest functionaries of the State. This was Upper-president von Schön“... „Schön's popularity began only at the time when he commenced to persecute the christians in East-Prussia. For this reason, and for this reason only, the party of progress raised him on high“... „Upperpresi-

dent von Schœn remained Ebel's enemy. His hostility against Ebel's activity identified itself always more with the animosity of the accusers of the latter."

"The most respectable persons raised their voice in support of Ebel and his innocence. Amongst others Major count C. von Münchow, baron E. von Heyking, professor Dr. Friedländer, counsellor Ulrich. Countess Ida von der Grœben née von Auerswald did so with the noblest indignation. In a memorial addressed to the ministry of ecclesiastical affairs at Berlin on the 18th of October 1835 and contained in the deeds, she declared: "In the first place I feel obliged to explain to the royal ministry the position in which I stand with regard to this affair, by openly confessing that, as far as I am personally concerned, the calumnies directed against me also are quite indifferent to me; that it rather tends to my satisfaction to see that a dishonourable exception is not made on my behalf, by those who are throwing contempt on what is most elevated and most sacred in man". . . . "Further, that it is gratifying to me to be personally implicated in a matter which stands forth as an entirely pure one; irrefutably just before God and men, and justified in its deepest foundation and whole essence."

"The question at issue is about nothing else but the narrow path, the right way, which the head of the Church, Christ, himself has followed and pointed out to us to follow, and which his enemies have at all times called a *sect*."

"The unbelieving and unconscionable public did not care for the final decision of the court, nor for the printed vindications; but indulged in the enjoyment of laughing and slandering on the subject of devotees and puritans. What was written against Ebel and his friends was a treat to vulgar minds and has contributed not a little to kindle the fanatical animosity existing against the christian religion."

The „Paper for the Evangelical Lutheran community“, Breslau, 1864, says with regard to the „Compendium“: „Satan has not often produced a piece of lying like this lawsuit against two resolute witnesses of the Gospel, neither has he succeeded often in concealing such a piece of lying for so long a time. But he is compelled at last to allow truth to come into light, and it is well that posterity should gain an insight into the deeds of the lawsuit and name with veneration and gratitude two men who, like martyrs, were made to suffer disgrace and shame, destitution and ecclesiastical condemnation as confessors of Jesus Christ. We owe this „Elucidation“ to Count von Kanitz, and it is to be hoped that ecclesiastical history, which ought to be a theological discipline of truth, will henceforth cast off the diabolical construction hitherto maintained of Ebel's and Diestel's puritanism. We hope so. But it is also very instructive and interesting for every christian to read at least Count von Kanitz's „Compendium“. The reader will see by this scene from the great drama of ecclesiastical rationalism, the great delusion in which at that time highplaced and otherwise respectable people stood with regard to christianity“.

The same periodical, in speaking of the „Elucidation of the facts“ etc., says: „This most interesting book circumstantially relates the whole lawsuit against Ebel according to the legal records. Every page of it attests the carefulness and scrupulousness with which this work has been written. Criminal prosecutions are generally read with eagerness, and they afford a deep psychological insight into the human heart. I am of opinion that the religious lawsuit of K nigskerg affords at least as much psychological interest, and it allows a christian thinker to see deep into the heart of many and even highplaced individuals, and into an epoch, which has been called „the time of rational enlightenment“, and which was well

adapted to disown the truth in religion. We recommend this solid and clever book to all educated persons."

The „Universal literary tidings for Catholic Germany“, Vienna 1864, N°. 18, has the following: „The matter concerns Protestantism first, but with regard to ecclesiastical history it has also a considerable importance for catholic science, since it clearly proves that even Prussia, a country which pretends to be enlightened, possesses its religious inquisition, and that not a bit of protestant liberty of thinking and teaching is to be found there, but that diabolical calumnies were made use of in order to annihilate the activity of the afore-said clergymen (Ebel and Diestel). Protestant science of history has greatly assisted in this, and one is astonished to read now that the reports of the Periodical for historical theology, which has always been considered as a good authority, are in truth nothing but a tissue of lies, unless count Kanitz's writings should be so themselves, which however seems impossible according to the whole state of the matter, and particularly on account of the sincerity and faithfulness of that nobleman, who stands forth here with open visor“. „Ebel sustained two principles: „The great change effected in man by the Holy Ghost“ and „the force by which man is renewed“, and assembled around him those who shared his views and who felt an enthusiasm for them. This gave rise to a disgusting system of denunciations particularly with those to whom Ebel's austerity in morals and christian principles were an eye-sore, being a set off to their own moral decay“. „On the whole, the witnesses who appeared are so suspicious and their behaviour so questionable, that no conscientious judge ought to have attributed any value to such assertions“.

The „Protestant churchtidings“ of Berlin, N°. 50, 1864, contains under the title of „*An inquisition in the 19th century*“ a review of both the „Elucidation“ and „Compendium“. We read there: „Count Kanitz, who was an intimate friend of the parties persecuted and especially of Rev^d. Dr. Ebel's, a man most eminently endowed with the gifts of the mind and heart, feels the necessity of averting from their memory the slanderous reports which are still current in the country, and he effects this by publishing the records of the prosecution which has been carried on against them, and the upshot of which is indeed in every respect and, in spite of the closest investigation of their privacy, a most brilliant testimonial of the moral purity of the accused parties, of their zeal in performing their official duties and of their unblemished conduct. Count Kanitz, who adds to the authentic relation of the whole lawsuit a sound criticism of the proceedings, at the same time finds a personal gratification in demonstrating that „the Prussian law, humane in its tendency and to uphold which he has dedicated all his powers during forty years of his life, is not accountable for this immoral fact, equally contrary to law and reason, but that the fault lies indeed with disregard and transgression of the law, resulting in manifold violations of right and liberty of conscience and in exposing sacred things to contempt.

„Count Kanitz has acquitted himself of this task with a zeal and a sharpness of judgment which give a great value to his statements.

„This work is distinguished not only by the merit of an excellent clear and lucid exposition of the subject, even by a profound judicial knowledge of the matter, but above all by the highminded and pure love of truth which shows itself even in those passages where the author is obliged to treat of circumstances concerning himself“. . . „The interest however which we find in this work, extends far beyond the domain

of personalities. We may take it as a comfort that personal hatred has been the principal motive of this inquest which has been in fact an inquisition on the subject of private opinions and belief. But the religious lawsuit of Königsberg proves that such a prosecution, of itself unjust and positively illegal, necessarily leads also at every step to obvious nonsense, to acts of violence towards liberty of thinking, and to wrong and preposterous results; and that therefore, prescind- ing from all personal influences or considerations, it must be called a downright impossibility and absurdity."

"The accusations of immorality having dwindled into nothing, the inquest chiefly dwelt upon the question whether the defendants had been guilty of sectarianism and had diffused false doctrines among their adherents. A matter of fact foundation for the existence of a sect was entirely wanting; the more unformal and unlimited was the inquest, which in the domain of dogmatics had neither ground nor barrier. To this must be added, that the secret mode of criminal proceedings then in use, afforded a wide range to inquisitorial ambition. The prospect of impending publicity nowhere stood before the eyes of the judge of inquest as a goal and restriction; being master of his materials, he was at liberty to shape them according to his inclination" . . . "The decisions to which the supreme court of judicature arrived, can only be explained by the constraint which necessarily arose out of the whole proceedings."

"The characteristic feature of the whole inquest as an inquisition, appears in its full light by the definitive sentence. For all the facts which had been mentioned, the calumnies of private conduct, the accusation of disturbing the peace of families, and this time also that of sectarianism having all and every one fallen to the ground, the question was exclusively about *religious* opinions and views, which, as expressly acknowledged by the judge, had not been expressed in official dis-

courses and sermons, but only in private conversations with friends. And the judge arrived to this result although he quite seriously pretended to profess the principles of Schleiermacher concerning evangelical liberty of teaching. It is highly interesting for the sake of general considerations extending far beyond the limits of this peculiar case, to follow the progress of ideas which from such a starting-point led to such a result". . . . „This aberration of a lawyer engaging in theology, and not considering himself bound by the declaration of the technical judgment, must obviously lead to great contradictions and absurdities. Thus intruding upon a domain to which he was a stranger, he exchanged his position of a judge for that of a party". . . . „It is no wonder that in presence of such assertions, for which there was neither a legal nor a reasonable foundation, the victims accused the judge of „a grievous violation of the liberty of belief and conscience“. He might have taken instruction from Schleiermacher". . . . „Had these principles (those of Schleiermacher), says count Kanitz, still prevailed in the year 1835, the lawsuit exposed here would have been avoided.“ Would to God that they were prevalent everywhere in the year 1864!“

The „Dictionary of Conversation“ by Brockhaus, 11th edition, Leipzig 1867, says with regard to the religious lawsuit of Königsberg: „that according to new authentic reports the innocence of the accused persons has been fully established“, and that „personal animosity against the two clergymen was the chief cause of this deplorable lawsuit, which could end in such a way only in consequence of the inconceivable prepossession of lawyers engaging into theology“ (see *Count von Kanitz, Elucidation of the facts, etc.* Basil and Ludwigsburg 1864).

In the „Universal dictionary of theology“, Elberfeld 1868, fourth part, we read page 203: „A large number of persons who felt the want of a sound and conscientious piety and of the true peace of God in Christ, had gathered around Ebel, who was a powerful preacher, a man of pure morals and energetic character, and who firmly supported the spirit and principles of the Gospel; as well as around his colleague G. H. Diestel, who stood in accordance with him. But for this very reason they were soon assailed and rendered suspicious“. . . Here follows a short account of the lawsuit and of the verdict by which public opinion had been deluded; after this the reviewer continues: „Now we know that those men have been noble martyrs of truth. A nobleman who personally and officially has been closely connected with these circumstances, count von Kanitz, has brought light to the whole affair by his book written with an accurate knowledge of the deeds, facts and individuals. The book „Elucidation of the facts etc.“ . . . and the „Compendium“ of the same afford on this point the clearest and most indubious conviction. — The men alluded to were not only innocent of every thing laid to their charge, all the evil reports were not only the produce of mere gossip and calumny, but the leader of the evangelical movement in question was a profound, self-denying christian of unblemished conduct, a confessor of the Gospel of great and blessed activity; the religious movement produced by him was a most precious revival. Orthodoxy, proud moral philosophy and indolent christian sentimentality, urged moreover by personal susceptibilities, have begot and circulated those accusations and slanderous reports, which led to a prosecution illegal and conducted with partiality, finally resulting in the condemnation alluded to. It is necessary to read in the book itself the uncertainty and questionable character of the witnesses who supported the accusations; the precision and convincing power of those who appeared

in favour of the defendants, whose evidences moreover are all more or less testimonials of esteem and veneration; to read further how the authorities impeded every public refutation, whilst they put no hinderance to the circulation of calumnies; how they concealed from the public the passages of both judicial sentences in which the defendants were *expressly* acquitted of all evil reports, partly with the addition of reparations of honour. All this, as well as the explanation of the misunderstandings concerning the alleged heresy, will convey to the reader the strongest impression of truth, which has also been fully acknowledged by the newspapers of Königsberg, the Christian messenger of Württemberg, Zarnke's Central paper for literature, Wagner's Dictionary of the State, and the Protestant churchtidings. — Testimonials of Ebel's and Diestel's evangelical preaching exist in their works, and even now they deserve to attract public attention; for instance: Ebel, *Useful education*, Hamburg, at Perthes', 1825; *Fidelity*, sermons according to the want of the christian congregation, 2d edition, Bale 1863; finally the comprehensive and concluding demonstration written during the last years of his life: *The philosophy of Scripture*, dissertations by Ebel; I. The title; II. and III. The problem of knowledge. Stuttgart 1854, 1855, 1856. In conclusion we may yet state here, that professor Erbkam's circumstantial article in Herzog's Polytechnic encyclopedy, Vol. 13, p. 620—647, written with sincerity but still under former impressions and before the publication of Kanitz's book, has been essentially modified partly in general and partly in special points (chiefly p. 140, 141 note).“

„We deem advisable to add in this place the necessary information concerning Schöenherr and his system; both his person and philosophy having derived an importance in ecclesiastical history chiefly from the aforesaid events of Königsberg.“

J. H. Schönherr, born at Memel in the year 1770, studied from 1792 to 1794 at several universities, chiefly at Leipzig, lived afterwards in very limited circumstances, principally occupied with his theosophical speculations; he died 1826. Introduced already in early youth into biblical and ecclesiastical piety, but not satisfied with the theology and philosophy which were predominant at that time, being moreover a close thinker, a searching and original mind, he arrived at the order of ideas which has found its historical expression first in our old mystics, then in men like J. Böhme, Oetinger, Schelling, F. von Baader, and which has subsequently penetrated and fecundated all our worldly and religious civilisation of the present time. It was the yearning after the *living* God, everywhere supposed, indicated and proclaimed in holy writ, and the desire of finding him by overcoming the abstract notions of orthodoxy and deism; to see in this God the source, the plenitude and the unity of the fullest and richest life; and to explain the natural evolutions of the world and mankind by the divine thoughts and forces emanating from that God, and which are to be recognized in the struggle of contrasts and the multiplicity of phenomena. Ebel made the acquaintance of this man already at the university, and was drawn into his circle of ideas. He appeared to him as a living revelation, and became to him a support and a blessing, but also a fatality. Even as thousands of individuals still in our days, and for the most part christians of deep conviction and high aspirations, seek and find the last foundation for the intellectual comprehension of their christianity in those ideas of Oetinger and Baader, so did Ebel with Schönherr's theory; he freely appropriated it, but at the same time he rejected with full clearness and decision the practically dangerous parts of the same. But nevertheless he has been obliged to suffer the consequences of this connexion, along with the blessings of absorption and liberation which he derived from Schönherr. The public readily

ascribed to Ebel all the oddities and suspicious features which were to be found with Schöenherr's system and personal character, and completed his purely christian preaching with the addition of Schöenherr's backthoughts. Therefore those imputations and calumnies arising anew, could easily find admittance and lead even to the condemnation mentioned here above. For further particulars concerning Schöenherr's system see Ebel and Diestel, *Testimonial of truth*, Leipzig 1838, and Ebel, *Fundamental features of the knowledge of truth*, Leipzig 1852.

Already at the time of the religious lawsuit in question, an eminent German theologian (A. Lührs) has published in the „Friend of the Church for northern Germany“, 1838, a paper sustaining, with express reference to those events of Königsberg, the wellknown fact that christian aspirations are ever exposed to bitter persecution, even in proportion to their purity, thereby affording a proof of the views entertained even at that time by impartial divines, with regard to the incidents alluded to. This clever dissertation in its first chapter shows, very much to the purpose, how the Saviour himself behaved in presence of the misconstructions put upon his words and the calumnies of his conduct, which he experienced at the hands of his contemporaries; and in the following chapters it makes an application of it to the followers of the Lord in all subsequent centuries. We have not room to insert the whole composition, but we reproduce hereafter the first part of it, which affords great scientific interest and instruction, on account of its exegetical solidity and erudition.

THE STRUGGLE OF FALSEHOOD WITH THE GOSPEL.

The tongue is a fire, a world of iniquity; so is the tongue among our members, that it defileth the whole body, and setteth on fire the course of nature; and it is set on fire of hell. For every kind of beast, and of birds, and of serpents, and of things in the sea is tamed and hath been tamed of mankind; but the tongue can no man tame; it is an unruly evil, full of deadly poison.

James 3, 6—8.

At the deepest bottom of all sin lies falsehood, for sin has but a false existence. Every real existence and life has its root and essence in God, — from Him, by Him and for Him are all things, but sin is neither from Him nor by Him nor for Him; it has renounced veracity and has erected its dominion in godless vacuity and nothingness. Even because its existence is now in this vacuity and nothingness, and thinks to find blessing and life therein, denying the life derived from God, it must needs take what is not, as if it were, and what really exists, as if it were not; therefore it is indeed, according to its innermost essence, or rather to its innermost delusion, falsehood.

Our Lord says: the devil is a liar, and the father of it; and in fact, by falsehood has sin come into the world, and by it has mankind been made to fall. „Yea, hath God said?“ spake the serpent, and cast a doubt of God's word into the unguarded breast. „Ye shall be as God's," he continued, disguising downright untruth into the assurance of truth. Man believed the word of the serpent more than God, and thus fell from the state of innocence into the labyrinth of a dismembered and deceitful existence.

Now of course it is quite regular and consistent, that against the Redeemer of mankind who has come to bruise the head of the Serpent, falsehood should cringe and endeavour to bruise His heel. But like Himself, it has also unremittingly persecuted His word and all those who practise it, so that a host of liars attends christianity in all its manifestations, from its origin up to the present day. Wherever christianity, by its divine virtue, opposed the commonplace activity and accustomed mode of thinking, falsehood has always taken its station, and has covered it, as it were, with a cloud of malignant and groundless inventions.

But however irrefragably this fact is taught by history, it is generally unheeded and forgotten. Even those who, on account of their position and education, ought to be seriously intent on obtaining a right view of the religious evolutions of the present time, are not always sufficiently on their guard, and suffer themselves to be sadly deceived by false reports, to their own and other's prejudice. We hope therefore to perform no useless task in attempting to show, by a short historical glance, the boundless and monstrous lies by which christianity has ever been calumniated, in its founder himself as well as in its most faithful confessors.

CALUMNIES AGAINST THE SAVIOUR.

Even as the shadow follows the body, so has falsehood followed Him who was born and had come into the world, that he might beget truth. As a newborn child, Herod attempted upon His life by lies; and when His time was come, He was condemned to death by lies; and even after His resurrection He was persecuted by lies, — His disciples were accused of stealing His corpse. The motive of this has been mentioned already here above in a general way, but it is well worth the while, to enter more closely into the secret laboratory of falsehood, in order to see how its abortions are brought into life.

The Lord once cried out with serious reproof: „But wherunto shall I then liken this generation? It is like unto children sitting in the markets, and calling unto their fellows, and saying: We have piped unto you, and ye have not danced; we have mourned unto you, and ye have not lamented. For John came neither eating nor drinking, and they say: He has a devil. The Son of man came eating and drinking, and they say: Behold a man gluttonous and a winebibber, a friend of publicans and sinners.“ He means this: a messenger of God may conduct himself outwardly in one way or another, the worldly mind of this generation will never find with him the satisfaction of its desires and pretensions. For he is not able to rejoice at what that mind thinks delectable, nor to mourn at what moves that mind to weep. *Worldly and godly dispositions do not commune in mourning and rejoicing.* The Pharisees took offence at John the Baptist's fasting, because it was meant too earnestly; but they took offence also at the Lord's refusing to fast, because He thereby disgraced their mask of hypocrisy, the venerable outward decorum, under cover of which they freely indulged in all the lusts of their flesh. Therefore both were equally hateful to them, for both testified against them, that their works were evil.

But such testimony hurts the heart and troubles conscience, as long as we are obliged to esteem the person who gives it. Now, if we are either too indolent, too proud or too blinded, to suffer our flesh to be crucified along with its lusts and convetousness, but if, on the other hand, we are unwilling to be ashamed and to suffer ourselves to be offended any longer, then our heart knows, by a secret virtue of self-delusion, how to disfigure and dishonour the person of the abhorred confessor of truth, so that we may consider ourselves entitled to declaim against the very man whose zeal had nearly led us to acknowledge our own falsehood and wretchedness. In this situation stood the Scribes and Pharisees with relation

to John and Christ, therefore they called the one a devil or demoniac, and the other a winebibber.

Thus it appears *that the fear of being disturbed in the accustomed tranquillity of their hypocritical, sinful life, and, as a consequence of that fear, the desire of turning the confessor of truth into a lying prophet, is the source of all the calumnies*, which the enemies of our Saviour spread about against Him. It is accordingly, in our opinion, a misconception of the history of the Gospel, to think that the Scribes and Pharisees calumniated Christ only in order to make him hateful to the people. They stood in need of calumny as much to cover themselves as to blind the people. When they saw his actions, when they heard on every side the praise of His works of love, when they often could not help being struck with the simplicity and force of His preaching, with what could they justify their reluctance *in their own eyes*, with what could they draw the sting of His words out of their own breast, but with reviling and disgracing His person? They calumniated Him and belied themselves, and thereby they preserved the sweet secret lust of their hearts from the overwhelming power of His word.

But it is impossible to belie one's self without an *appearance of truth*, for conscious self-delusion contradicts itself. Therefore nobody more zealously searches after the appearance of truth, than self-delusion. This aspiration finds its satisfaction in misunderstanding. Misunderstanding possesses exactly so much of truth as will satisfy him who wants to be deceived, and enough of arbitrariness and untruth to satisfy the secret desire. Therefore, in the tissue of lies which surrounds our Saviour, we see the end of every thread tied to a misunderstanding. These misunderstandings pursued Him wherever He went. Even Nicodemus, though he thinks to have already recognized in Him a teacher come from God, how does he nevertheless distort the meaning of

His words! Jesus said: Except a man be born again, he cannot see the Kingdom of God, alluding to a spiritual regeneration, which was by no means a notion unheard of among the Jews. But how does Nicodemus understand this, or at least how does he think himself obliged to understand it? His astonished question affords us a proof of it. How can a man, says he, be born when he is old? Can he enter the second time into his mother's womb, and be born? Indeed, on the part of Nicodemus this was rather a question which expected a refutation and at the same time further explanations, but nevertheless it shows us, what evil disposed hearers could make of His words, and we know moreover what even his disciples made of them by sticking to the literal sense.

It is remarkable that the Lord, excepting private explanations to His disciples, did not pay the least attention to avoiding such misunderstandings, probably from the conviction that those who have ears to hear, and hear not, will anyhow call him a devil who does neither eat nor drink, and a man gluttonous and a winebibber, him who does eat and drink. In fact, the free and manly speech of Christ, unguarded by any clauses, though He knew Himself to be surrounded by artful and malicious listeners, proves that those are wrong who believe that, in order to avoid scandal and giving offence, it is necessary to abstain from all forcible language, or to accompany every energetic word with assuaging restrictions, as with a lock-chain. With this at least every one will agree, that a people which had so deeply entangled itself in literalism and worldliness, as had the posterity of Abraham at that time, cannot be brought forward softly, but must be urged on by many a serious and hard shock. Jesus said: If a man keep my saying, he shall never see death. The Jews understood this as if applying to the death of the body, and reproached him bitterly. Did he explain Himself more clearly? By no means! Let them take the trouble of reflecting, and

if they are not able to perceive the meaning of his words by thinking upon them, let them come back and ask. Questioning brings wisdom, that is an old experience. In the synagogue of Capernaum He speaks of the bread from heaven which is better than manna; they take this literally and pray: Lord, evermore give us this bread. Does He take notice of this misconstruction? In some respects, yes, but only to throw into their way a still greater stumbling-block. He calls Himself that bread. This excites a general murmuring. Does He now take notice of it? Yes, in some respects again, but only to pursue still further the same argument. He calls His flesh that bread, which man must eat in order to live for ever. The Jews therefore strove among themselves saying: How can this man give us His flesh to eat? Now, to be sure, it was time to prevent further mistakes and therefore to turn in? By no means! The Jews ought to have turned in, if they had been earnestly intent on understanding Him. Who told them to strive among themselves? Why did they not rather listen quietly, the better to take in the sermon, as the peasants say? The Lord therefore continued and said: Except ye eat the flesh of the Son of man and drink his blood, ye have no life in you. My flesh is meat indeed, and my blood is drink indeed. Only towards His disciples, to whom also this was a hard saying, He explained Himself at last in a few words, protesting against misapprehension rather by short insinuations than by minute interpretations.

Doubtless in this remarkable speech or conversation of Capernaum, the meaning of which is not so easily to be exhausted, He had besides a special object in view, with respect both to His nearer and more remote disciples. He wanted to test their confidence and humility, and to separate the chaff from the wheat; this at least was the result. From that time many of His disciples went back and walked no more with Him. Surely these did not belong to those that

laboured and were heavy laden, and who wanted to find rest unto their souls, nor to the sick who wanted to be healed by Him. We can therefore only be thankful to Him, that He did not refrain from speaking openly and forcibly, out of consideration for such friends, or perchance even of spiteful enemies; for though his sayings gave rise to grievous misunderstandings at that time, and do so even now, the Church finds in them a protection and arms, and a banner of war against its enemies.

Actions, moreover, are not less exposed to misconstruction than words, and so we see that they interpreted his converse with ill reputed persons (publicans and sinners) as if he found pleasure in vulgarity and immorality — behold a man gluttonous and a winebibber! Even so the Pharisee who had desired Him that He would eat with him, thought to discover a want of discernment in His leniency towards a woman publicly known as a sinner; and with regard to His miracles, by which He frequently trespassed against the letter of their institutions, they found occasion to quibble so much that they at last turned them into works of the devil.

A mere misunderstanding leaves word and deed untouched as to their outward form and appearance. When it rests upon malevolence alone, it is indeed already a produce of falsehood, but untruth exists in it, as it were yet in embryo. But according to its essence, falsehood always strives to unfold itself and to throw off all bonds. Unlimited arbitrariness is its desire. Therefore from misunderstanding it very speedily goes one step farther to misstatement, distortion and perversion of words and deeds, not only as to their inward meaning, but even with regard to their outward shape. With this, falsehood has reached the second degree of his development. This progress is not an accidental, but a necessary one, and therefore, under similar circumstances, it will always appear again. If somebody has once distorted and altered the meaning of

a saying, involuntarily he will also slip in other words which are better suited to the sense adopted by him. So we see at the examination of the witnesses before the council a deviated tradition of the saying: Destroy this temple, and in three days I will raise it up. So they interpreted His slight esteem for fasting regulations by gluttony, and reported of his eating and drinking. The disfiguring and distorting of mistaken words and actions being however so commonplace an occurrence, and being moreover, as a middle term between the first and last stage of falsehood, sufficiently illustrated by what has been said before and will be said hereafter, we do not think necessary any longer to dwell upon it.

Upon this step namely, follows in natural course the third and last one, i. e. *free and conscious invention*. Even at the second stage, the propensity to arbitrariness which is inherent in falsehood, is not yet fully satisfied, because it is still bound and shackled by something really existing. But when it has thrown off this last fetter, it moves at full liberty in its own and proper element, where there is neither ground nor barrier. Falsehood has always some particle of truth at its origin; — but with regard to religion and accusations of heresy it is necessary to be cautious in applying this rule. At least in such cases the truth is often so very remote, that very great perspicacity is necessary to bring the lies in connection with it. Above all one must not believe that, if facts are reported of people who stand in a certain religious outlawry, there must needs exist some foundation for them in the shape of facts bearing some resemblance to them. Not at all! The first tale-teller has often nothing in view but the religious disposition which he supposes to exist with the object of his calumny, and he sets it off by means of a piquant illustration. So we were once told of one of our friends' using to go with his wife into the upper room of his house, and there to kneel down upon peas. Was this founded on any

real fact? Not in the least! But yet on a moral disposition which could make such an action in any way probable? By no means! There was no other foundation whatever for it, but the fancy of the liar himself, who thought that any mortification of the flesh was meritorious, and thought himself nearer to God in the upper part of the house than down stairs.

Plenty of such stories use to turn up when the true character of a man has been veiled, as it were, by a cloud of misunderstandings, misstatements and distortions, so as to grow in that atmosphere into a whimsical and fantastic imagery, without unity nor cohesion. Then even the most incredible things will seem probable, and the most glaring contradictions will be admitted without objection. If ever anybody must have appeared to his adversaries in such a misty form, it was Christ, for nothing more was needed to accuse Him of the grossest contradictions and absurdities than a literal interpretation of His words. Had He not said at one time: Let your light so shine before men, that they may see your good works! — and at another time: Take heed that ye do not your alms before men to be seen of them! At one time He had said: The Father judges no man, but has committed all judgment unto the Son — and at another time: God sent not His Son into the world to condemn the world, but that the world, through Him, might be saved. At one time He had said: Love your enemies! — At another time: If any man come to me and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple. Sometimes He called Himself the Son of man, sometimes the Son of God, now the shepherd, and then the door of the sheep, etc. But even His own conduct seemed little in accordance with His preaching. In one of His speeches He had said: Whosoever shall say to His brother, thou fool, shall be in danger of hell-fire! — and nevertheless He had not

shunned to say Himself, in company of the most respectable people: Ye fools, did not He, that made that which is without make that which is within also? Yea, another time He called men of the same station in life: Ye fools and blind! In His sermons He said: Bless them that curse you! — and nevertheless He repeatedly cried Himself: Woe unto you! upon his adversaries; — once even He uttered the hard words: Ye serpents, ye generation of vipers, how can ye escape the damnation of hell? — In one word, they found with Him a multitude of contradictions, and must therefore think Him capable of every thing, of the basest wickedness as well as of the most senseless exaltation, even as Voltaire said of a prophet: *Monsieur Habacuc est capable de tout*. If we add to this His active life and the circumstance that His reputation filled the whole country, we cannot in the least doubt, according to every historical analogy, that the most fabulous anecdotes were told and circulated about Him. This is the very point on which we wish to call attention; for such little stories, such tales of slander and mockery are an everoccurring ingredient of religious calumnies, and surely the Lord has not been spared with respect to them.

Let no one object that the Gospel does not mention such anecdotes and malicious inventions. This proves nothing against a fact of which the whole ecclesiastical history constantly furnishes abundant evidence, and which is soundly established by psychology. Every one who judges correctly of human nature, will concede that idle curiosity, envy, slanderous disposition and talkativeness alone are of their own accord always, with a sort of restlessness and by means of every kind of secret stories and wonderful things, intent upon drawing within the reach of gossip and backbiting, men conspicuous and distinguished in one way or other. Now let us consider the conversations of Jesus with men of rank and members of the council at Jerusalem, as they are related to us by St. John

from the 6th to the 10th chapter of his Gospel. What a caricature of nonsense, exaltation and blasphemous pride could their offended honour of cast, their literalism and narrow-mindedness make out of the Saint and the Just! He has a devil, and is mad; why do ye hear him? So they cried one time after another. Yea, it is interesting to observe how here and there the crystallization already starts up to embody itself in a determined shape. Jesus said: Yet a little while am I with you, and then I go unto Him that sent me. Ye shall seek me and shall not find me; and where I am, thither ye cannot come. These words were obscure to the Jews, and for this very reason they offered a welcome scope to their idle speculation. They had to guess what might be the country whither they could not follow Him. They said among themselves: Whither will He go, that we shall not find Him? Will He go unto the dispersed among the Gentiles, and teach the Gentiles? This interpretation contained already something malicious, yet it could not satisfy their exasperation. At a later period they knew how to attach a much more objectionable meaning to similar sayings. Jesus said again unto them: I go my way, and ye shall seek me, and shall die in your sins; whither I go ye cannot come. How did they interpret this? By suicide! They said: Will He kill himself? because he saith: Whither I go ye cannot come. When once such determined intentions are found in uncomprehended sayings, a very short time indeed will suffice to turn by report and talk, the supposed intention into a fact.

But we will be grateful to the Evangelists that they did not soil their pages with slanderous stories. Neither the dignity of the subject nor the simplicity and veneration of the writers would have admitted of this. It is enough for our demonstration, that on the whole they allude pretty frequently to false accusations and calumnies.

But in *one* instance of His life we think ourselves expressly authorized to believe that stories of invented sayings and actions had been abundantly circulated, and had even found credence with the members of the council. We mean the examination of witnesses after His arrestation¹. It seems to us obvious, that in this instance the council was deceived in its expectations. Nothing could be more miserable than the result of this examination. The usage of the tribunal required no doubt witnesses; but wherefore should they have called so many, if they had expected such a result? But if we suppose that the ring-leaders in the council themselves believed the reports in circulation, and that the witnesses also were really convinced of what they thought to have heard from a reliable source, on the subject of the fanatic seducer of the people, every thing explains itself easily. — Indeed, the general opinion is, that the highpriests and scribes were at heart convinced of Jesus' innocence, and that they have therefore *consciously* committed a judicial murder. But surely this is doing wrong to many of them. How could the members of the council have remained inaccessible to reports and accusations which corresponded so well with the most secret wishes of their hearts? It must not be supposed that such gossiping cannot reach the highest classes of society. We shall see hereafter that even the first statesmen and solid historians have suffered themselves to be led astray by such reports. Equally insufficient is the objection that the council has caused Jesus everywhere to be carefully watched by its own emissaries, and His doctrine and conduct to be reported. This might *under given circumstances* only make the evil worse, because it gave, as it were, a determined method and legal

¹ We submit to the reader the following *opinion* as an opinion only. Those who do not agree with it, will nevertheless admit it as an *explanation*; as an *argument* we think ourselves able to dispense with it.

form to the tale-bearings. For in the first place: How much of oddity, exaltation and guilt did such observers really think to find in Him? Secondly: How easily could they say to themselves: If He ventures so far in our presence, what will He not do in secret? Lastly: What indeed does an authority which is itself a party, hear from reporters who are a party also? Very much of what it likes to hear, not only what the reporters have noticed themselves, but also what has come to their knowledge besides, and which commonly is not even set apart, but mingled all together in a common report.

If we suppose that the council had been informed of the doctrine and conduct of Jesus in such a manner, the examination of witnesses has no longer any thing to surprise us. Witnesses presented themselves on all sides, who, perhaps with an honest intention, assured that they could give evidence of shameful, unheard of things against Him, and the arrestation having been precipitated by the treason of Judas, they were accepted without close investigation. This caused the paltry result, accusation upon accusation, but nowhere a legal proof. Only the saying interpreted with narrow literalism: Destroy this temple, and I will raise it up in three days, — was obliged to afford a kind of footing, and even upon this point the reports were different, probably because even this simple word had been falsified in different ways.

But if the contradiction and legal nullity of all the accusations brought against Jesus so readily appeared in this place, how could they have found credence *before* with reasonable people? Well, but who is reasonable, when everybody rises against a confessor of truth? Who has a mind to examine with impartiality such accusations, which he secretly wishes to be true? And where do the most absurd accusations come out with so much audaciousness and good semblance as in debates on religious subjects? If then the matter comes to a judicial investigation, often the mere strictness of law-regu-

lations suffices to bring to light the innocence of the parties¹; for these regulations alone have remained impartial among the general excitement. The precriptions on examination of witnesses were particularly favourable to the defendant in the Jewish code. Surely the enemies of Jesus dared not to make themselves guilty of gross violations of the law, for on the one hand the jealousy of the different parties prevented so obvious an union in treason, on the other hand doubtless many of them were far from wishing to condemn an innocent man, and lastly there were in the council itself some undecided members or secret adherents of Jesus, like Nicodemus, Joseph of Arimathæa and others². Add to this that the witnesses, as is usual in such cases, were probably so very sure of their point, that they had taken little care to provide for legal evidence. Even as people are apt to run themselves so fast into opinions, suppositions and *reports*, that it does not even occur to their minds that there can be any reasonable man who doubts of them.

But in fact Christ, in His way of teaching, had said many things that according to their literal sense could justify the most severe accusations. So, for instance, one man could step forward and attest upon oath, that He had once in His speech invited His hearers to come and eat His flesh and drink His blood. Another could adduce as proof of His thirst for blood and His sedicious spirit, that He had said: Think not that I am come to send peace on earth; I came not to send peace, but a sword; yea, that He had shown a strong desire of exulting in the conflagration of the whole world, for He had been heard to exclaim: I am come to send fire on the earth, and what will I, if it be already kindled? A third might tell awful things about a confederacy of murder

¹ l. e. when they are observed. (The Editor.)

² St. John 12, 42.

and blood which He had founded. One of the statutes of it was that His adherents, on entering the alliance, must take the inhumane pledge to hate their father and mother, brethren and sisters and all their relations, in order not to be detained from blind obedience to Him by any tie of veneration and affection. That He had even upheld this rule with unfeeling crudeness, for one of His adherents having once asked His leave to inter his father, He had looked upon him angrily and had said unto him: Let the dead bury their dead; but go thou and preach the kingdom of God. That He himself had made no secret of having extirpated from his breast filial veneration and brotherly affection, for once His mother and brethren had wanted to speak with Him, but He had refused to admit them in His presence and had asked angrily: Who is my mother and my brethren? and He had looked about on them which sat about Him, on the members of His secret confederacy, and said: Behold my mother and my brethren! A fourth person could prove that He intended to turn upside down all existing institutions and to establish a dominion of the mob. That in all His efforts He had in view the poorest and most abject individuals, the very dregs of the people. That He had called these blessed, and threatened with woe and misery the rich and all those who enjoyed any distinction and consideration. That by such means He had allured around Him from all sides, all the restless, dissatisfied and outlawed people, and revelled with them at the expense of the rich whose property He had proscribed before hand. Therefore He had once exclaimed among the acclamations of the mob: Blessed are ye that hunger now; for ye shall be filled! But woe unto you that are rich! for ye have received your consolation. Woe unto you that are full! for ye shall hunger. Therefore He had always carried about in His mouth the radical and revolutionary saying: The first shall be last, and the last shall be first. That indeed He used, for the sake of

appearance, to speak a great deal about the kingdom of heaven, as if He were elevated far above the concerns of the earth; but that this was only the deceitful secret language of the confederacy, for once carried away by His zeal, He had suffered His tongue to slip, and instead of the kingdom of heaven, He had promised to His disciples that they would inherit the earth¹. That this latter meaning was the true one, was known with certainty from His disciples, for these had once told to somebody who had gained their confidence, what large promises He had made to them. When they had been tired of waiting so long, and had insisted upon a positive declaration, He had well known how to distinguish between heaven and earth, and had expressly promised them a hundredfold recompense in houses and lands, and besides, in the world to come, eternal life².

Of course it does not enter our thoughts to pretend that the false witnesses exactly brought forward these very things. We only wish to make obvious how much could be derived with a good semblance from the proper words of our Lord, and turned into the most severe accusations. When now distortions of His meaning, and inventions were yet added to this, what a picture of Him ought to get His adversaries! How many witnesses might then also appear against Him with the greatest confidence! But at the same time it is not to be wondered at, that the legal forms of proceeding alone sufficed to put all these accusations in their true light, as void, self-contradictory and destitute of legal value in a matter of life and death. Now He has been nevertheless condemned to die, but how? In absence of any proof against him, and when every kind of argument had been exhausted in his presence, a man accused of a capital crime is sworn in order to declare

¹ St. Matthew 5, 5.

² St. Mark 10, 29. 30.

himself personally with respect to the chief head of accusation, So they were at last compelled to sentence Him to die upon His own assertions, and His condemnation became His most glorious justification.

So important are strict legal proceedings in times of excitement and quarrels of factions, in which the judges themselves so easily become parties. Even if they are only mute witnesses of murdered innocence and its advocates before posterity, it is already a great advantage. How brilliantly was Pilate compelled to justify Christ even by the most superficial application of the Roman principles of law! On the occasion of the bloody persecutions of the Christians in the Roman empire, it was always the intervening legal form of proceeding which seldom saved the victims indeed, but which very often justified them of criminal and disgraceful accusations, so that even their sufferings preached with the strongest power the faith for which they endured them.

Yea, we may well apply all this to the present time! What would be the result, if with regard to theologic debates and religious quarrels, the powers of the State should suffer themselves to be led astray from the *existing law*, and to lend to the suggestions of party-zeal first their ear and next their arm? What an awful range would unfettered passions snatch upon and engross to themselves! How soon could the dispute blaze up into a destructive flame. As soon as the leaders of the State, instead of abiding by the existing laws, take counsel of the religious opinions of the time, one of the parties gets hold at once of the sword of the secular power along with the sword of the Spirit; and whither that leads we may learn from history.



Dr. John Ebel's works

published and on sale.

- Die Weisheit von Oben her.** 1. Aufl. Königsberg 1823. 2. Aufl. Basel und Ludwigsburg 1868.
- Der Tagesanbruch,** zur Feier des dritten Reformations-Jubiläums in Preussen im Jahre 1823. Betrachtungen und zeitgemässe Winke. Königsberg 1824.
- Die gedeihliche Erziehung.** Abhandlungen und Andeutungen, diesen Gegenstand betreffend, besonders für Eltern und Erzieher der frühern Kinderjahre. Hamburg bei Fr. Perthes 1825.
- Was gilt im Christenthum?** Beantwortet in 2 Predigten. Königsberg 1825.
- Biblische Sprüche,** als Leitfaden für den ersten christlichen Unterricht. 6. Aufl. 1842.
- Biblische Weihnachtsgabe** für Alt und Jung. Eine Zusammenstellung der Aussprüche h. Schriften (auf feinem Velinpapier und durchschossen), zu Geschenken an festlichen Tagen. Hamburg 1827.
- Bibelworte** (auf Druckpapier) oder Erkenntniss der Wahrheit etc., als Leitfaden eines christlichen Unterrichts für die reifere Jugend. Hamburg 1827.
- Das Christenthum oder Winke zum Verständniss** der Bibelworte (und zu denselben gehörig). Hamburg 1827.
- Die apostolische Predigt ist zeitgemäss.** Ein Wort an Alle, welche Christen sein wollen. Hamburg 1835.
- Die Treue.** Predigten nach dem Bedürfniss der Christengemeinde unserer Zeit. Erste Auflage, Königsberg 1835. Zweite Auflage, Basel und Ludwigsburg 1868.
- Verstand und Vernunft im Bunde** mit der Offenbarung Gottes. Zwei Abhandlungen von Heinrich Diestel und Johannes Ebel. Leipzig 1837.

Zeugniss der Wahrheit, zur Beseitigung der Olshausen'schen Schrift: „Lehre und Leben des Königsberger Theosophen Joh. Heinrich Schönherr“, von Ebel und Diestel. Leipzig 1838.

Grundzüge der Erkenntniss der Wahrheit, aus Heinrich Schönherr's nachgelassenen philosophischen Blättern, mit einigen Ergänzungen aus den Schriften Anderer. Leipzig 1852.

Die Philosophie der heiligen Urkunde des Christenthums. Beleuchtungen von Johannes Ebel, in zwanglosen Heften. Erstes Heft: Die Berechtigung. Stuttgart 1854. Zweites Heft: Das Räthsel der Erkenntniss, erste Hälfte. 1855. Drittes Heft: Das Räthsel der Erkenntniss, zweite Hälfte. 1856.

Einige Worte über Kindererziehung, mit Beziehung auf Luc. 2, 41—52. Auszug aus der Schrift: „Die gedeihliche Erziehung“. Ludwigsburg 1859.

Of the aforesaid works the „*Useful education*“ (die gedeihliche Erziehung, 1825) has been translated into english. Extracts in french of the most part of them are to be found in the 1st and 2d volume of a work entitled: *Compas de route pour les amis de la vérité*, etc., imprimé chez Ch. Rautenberg et fils, Königsberg et Mohrungen. En commission à Leipzig chez Rob. Miérish (Michelsen), 1859. — The third volume of the „*Compas*“ contains an extract from the work: „*The love of truth*“ (die Liebe zur Wahrheit) by countess Ida von der Gröben née von Auerwald.

NOTICE. Besides the works of Rev. Dr. John Ebel, the following writings relating to this affair have also appeared in print:

Diestel (G. H.), „Ein Zeugenverhör im Criminalprozeß gegen die Prediger Ebel und Diestel mit der darüber laut gewordenen Publicität angestellt.“ 1838. In zweiter Auflage auszugsweise mit dem „Mahnworte“ etc. des Grafen Kanitz verbunden. Basel 1868.

Bardeleben (E. v.), „Ein Blick auf die einstige Stellung der Oberpräsidenten Auerwald und Schön.“ Stuttgart 1844.

Gröben (Ida, Gräfin von der), „Die Liebe zur Wahrheit.“ Stuttgart 1850.

Hahnenfeld (Ed. v.), „Die religiöse Bewegung zu Königsberg in Preussen in der ersten Hälfte des 19. Jahrhunderts und die heutige Kirchengeschichte, beleuchtet aus den von Wegnern'schen „Mittheilungen“ und ihren „authentischen Urkunden“. Braunsberg 1856.

Kanitz (Graf E. v.), „Aufklärung nach Actenquellen über den 1835 bis 1842 zu Königsberg in Preussen geführten Religionsprozeß.“ Basel 1862.

— „Historischer Auszug aus derselben Schrift.“ Basel 1864.

— „Ein Mahnwort zu Gunsten der Nachwelt, an die historische Literatur der Gegenwart.“ Basel 1868.

Ebel (Wilhelm, Dr. phil.), Dixon's und Danker's Seelenbräute silhouettirt. Basel und Ludwigsburg 1869.

